

Article 12. - Procedures and Permits

Sec. 1201 - Purpose of Article 12.

This Article describes the processes through which the development of property may be authorized. The Article provides the procedures and requirements for obtaining approval for the rezoning of property, obtaining a special use permit, amending the Future Land Use Map of the Comprehensive Development Plan, creating new parcels of land through the subdivision process, as well as obtaining land disturbance permits for developing land.

Sec. 1202 – Overview of the Review Process as identified in the Zoning Procedures Law (ZPL) OCGA 36-66-.

1202 (a) Zoning Decisions that are Legislative

- (1) The adoption or repeal of a zoning ordinance
- (2) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance
- (3) The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another
- (4) The grant or denial of a permit relating to a special use of property
- (5) The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to items 3 or 4 of this paragraph

1202 (b) Zoning Decisions that are Quasi-Judicial

- (1) Rendering decisions on applications for hardship variances
- (2) Rendering decisions on applications for special exception variances
- (3) Hearing Appeals of administrative decisions by such officers, boards or agencies as may be appointed by the Board of Commissioners to oversee elements of the development review process
- (4) Other permits not enumerated in 1202 (a) above but are specified in O.C.G.A. Sec. 36-66-3(1.1) as zoning decisions.

Sec. 1203 - Overview—land development.

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process. In all cases, consult the specific requirements and procedures detailed under the various Divisions of this Article.

1203 (a) Zoning changes (rezoning or Special Use approval).

- (1) If the property is not appropriately zoned, a request for rezoning or approval of a Special Use must be approved prior to development or construction. A zoning change for a subdivision, multi-family or nonresidential project must include a concept plan showing the proposed layout of the project.

(2) If the property owner desires to rezone their property to a zoning district that is not appropriate to the Comprehensive Plan Future Land Use Map character area (see the Comprehensive Development Plan for guidelines on which zone districts are most appropriate for each described Character Area), a Future Land Use Plan Map amendment (FLUM) must first be approved before the rezoning application can proceed.

1203 (b) Major subdivisions.

Permitting and construction of a major subdivision will be conducted as follows:

- (1) Preliminary Plat Approval is granted by the Development Review Committee upon review and approval of a Preliminary Subdivision Plat by the Development Review Committee and the Board of Commissioners.
- (2) A Development Permit is issued by the Development Services Department based on review and approval by all affected departments and agencies of development plans for construction of the subdivision.
- (3) Receipt and approval by the Plans Review Coordinator of accurate surveys of the as-built condition of public improvements is required in order to allow filing of a Final Plat.
- (4) Subject to all dedications of land to the public shown on the Final Plat being approved by the applicable County Departments or agencies, approval of a Final Subdivision Plat by the Development Review Committee (DRC), Development Services Director and the Chairman of the Board of Commissioners, who will authorize recordation of the plat and deeds with the Clerk of the Superior Court.
- (5) After recordation of the Dedication Deeds and Final Plat, the lots may be sold, and building permits and driveway permits on the lots may be obtained.
- (6) At the end of the maintenance period, all public improvements will be inspected by the County. After the developer has made any required repairs, public acceptance of the improvements into perpetual maintenance shall be issued by the Development Services Department.

1203 (c) Minor subdivisions.

Approval of a minor subdivision shall be conducted as follows:

- (1) Approval of a Final Minor Subdivision Plat by the Development Review Committee will authorize the Final Plat to be approved by the Development Services Director and the Chairman of the Board of Commissioners, if required.
- (2) Approval of a final Minor Subdivision Plat by the Development Services Director and the Chairman of the Board of Commissioners will authorize recordation of the plat with the Clerk of the Superior Court.
- (3) After recordation of the Final Plat, and acceptance of any required Dedication Deeds, the lots may be sold, and building permits and driveway permits on the lots may be obtained.

1203 (d) Multi-family and nonresidential projects.

- (1) Project Approval is granted by the Development Review Committee upon review and approval of a Site Plan for the project.

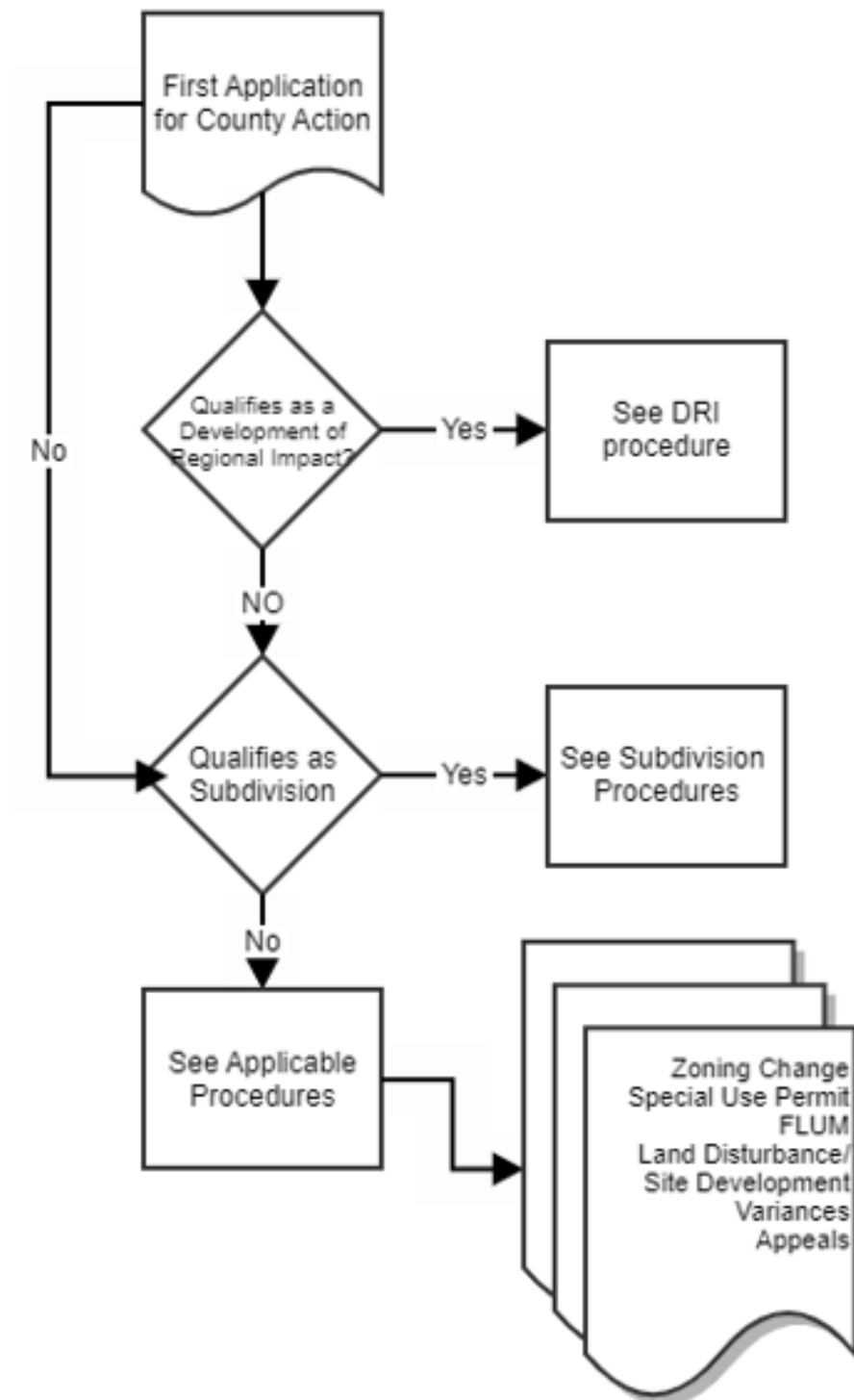
- (2) A Development Permit is issued by the Development Services Department based on review and approval by all affected departments and agencies of development plans for construction of the project.
- (3) When a proposed zoning decision is not initiated by a property owner or his agent and relates to an amendment of the zoning ordinance, to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, so as to grant blanket permission, under certain or all circumstances for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the manner specified in O.C.G.A. Sec. 36-66-4(h).
- (4) A Building Permit is issued by the Chief Building Official based on review and approval of architectural plans. Buildings falling under the authority of the State Fire Marshall shall be approved by the Fire Marshall prior to issuance of the building permit.
- (5) Driveway and sign permits are issued by the Development Services Department.
- (6) Receipt by the Development Review Coordinator of accurate surveys of the as-built condition of all public improvements is required in order to authorize issuance of a Certificate of Occupancy.
- (7) Permanent electric power and occupancy of the building is authorized by the Chief Building Official based on final inspection and issuance of a Certificate of Occupancy.

Sec. 1204 - Application intake.

An application for any permit or approval under this Article or for a variance or special exception under the Appeals Article of this Code will first be considered as follows:

- (1) If the application is for a project that qualifies as a Development of Regional Impact (DRI), and is the first request for County action or is a revision to a previous DRI, refer to Division VI of this Article for details and procedures.
- (2) If the application is for approval of a minor subdivision plat, refer to Section 1220 (c) for the required procedures.
- (3) If the application is for any other type of approval or permit, refer to the appropriate sections of this Article or the Appeals Article for procedures pertinent to the request.

Application Intake Process



DIVISION I. - APPROVAL OF A ZONING CHANGE.

An application for a zoning change (i.e., a rezoning or Special Use approval) affecting any property or properties may be initiated by the Board of Commissioners, the Planning & Zoning Board, the Development Services Director, or by the owner of the property. The approval, withdrawal or denial of a zoning change shall be in accordance with the provisions of this Division.

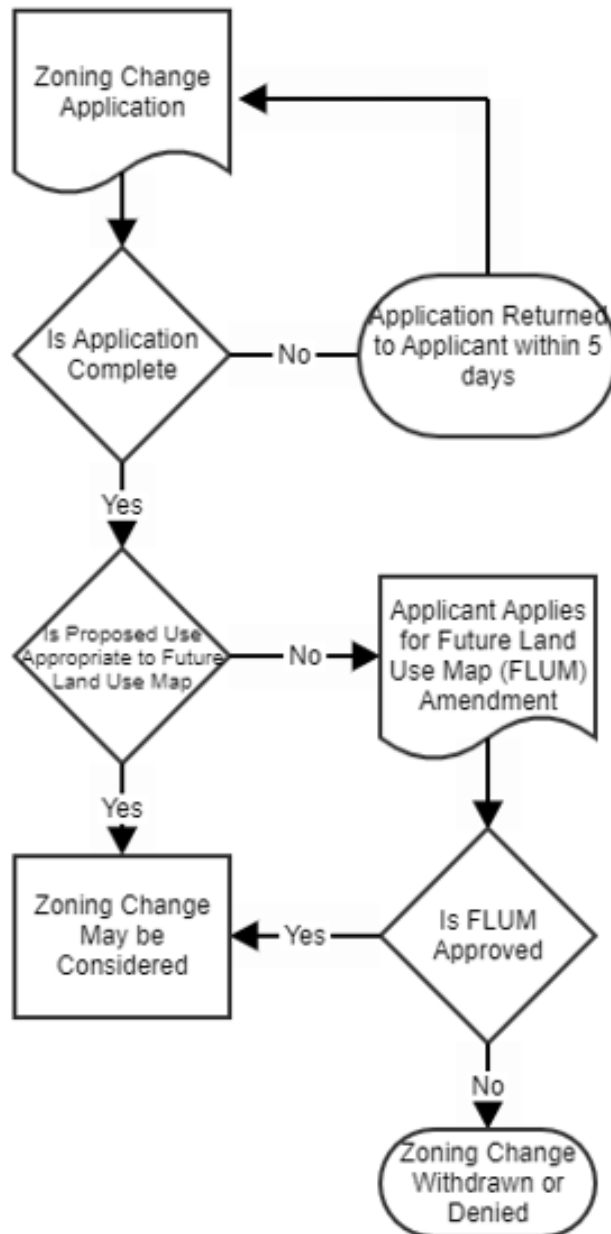
Sec. 1205 - Comprehensive Plan consistency.

In order to be approved, a zoning change should be appropriate to the Character Area designated by the Comprehensive Plan Future Land Use Map (FLUM) of Douglas County, Georgia, as adopted and may be amended. When circumstances have modified the area in a manner not anticipated by the FLUM such that a proposed zoning change may not be specifically appropriate for the future land use plan map Character Area category identified, the application for the zoning change may include application for an amendment to the Comprehensive Plan Future Land Use Map which should be approved under the procedures and requirements of Division II of this Article prior to the rezoning request. If the Future Land Use Map amendment is denied, the application for a zoning change shall be withdrawn or denied.

Sec. 1206 - Applications for a zoning change.

1206 (a) Zoning change applications; receipt and acceptance.

Zoning Change Application Acceptance



- (1) Whenever a zoning change is initiated by a person or persons other than the Development Services Director, Planning & Zoning Board, or Board of Commissioners, the following requirements shall be met. Prior to processing any such application, the applicant shall be

required to file the necessary documentation and follow certain procedures as set forth in this Division.

- (2) An application for a zoning change shall be made in writing to the Development Services Department on forms provided by the Department. Each application shall include the signatures of the applicant and property owner upon the application.
- (3) No application will be considered to have been made until such form(s) as described in subsection (2) have been completed and submitted to the Development Services Department with the application fees as established by the Board of Commissioners and supporting materials as required under this Division.
- (4) Applications shall include any request for information deemed necessary by the Development Services Director to enable a complete review of the request.
- (5) Any communication relative to an application for a zoning change will be regarded as informational only until a proper and complete application is accepted by the Development Services Director. The Development Services Director shall review the transmittal for completeness within 5 workdays following the submission deadline. Incomplete or improper applications will be returned to the applicant.
- (6) The Development Services Director shall review a complete application to verify the appropriateness of the rezoning request against the Comprehensive Plan Future Land Use Map Character Area category or categories applicable to the property within 10 working days following the submission deadline.
 - a. Applications deemed inappropriate shall be temporarily suspended from further review and the applicant shall be notified upon such a finding.
 - b. The applicant may apply for a Land Use Plan Map amendment under the provisions of Division II of this Article or withdraw the application pursuant to Sec. 1213.

1206 (b) Application contents.

An application for a zoning change is to be submitted in one signed original copy and in a number of copies as established by the Development Services Director. The application must include the following:

- (1) Properly executed application form supplied by the Development Services Director, including the owner's signature or authorization.
- (2) The location of the subject property, including street number, if any;
- (3) Legal description of the property by metes and bounds description and boundary survey of the property prepared by a registered land surveyor.
- (4) Existing zoning district classification of the property, and the proposed zoning district or Special Use.
- (5) The Comprehensive Plan Future Land Use Map category in which the property is located. If more than one category applies, the areas in each category are to be illustrated on a map.
- (6) A detailed description of existing land uses on adjacent and surrounding property;
- (7) The area of land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more;

- (8) Impact analysis, as described under Subsection 1206 (c) of this Section.
- (9) Concept plan, as described under Subsection 1206 (d) of this Section.
- (10) Other required information under Subsection 1206 (e) of this Section.
- (11) Statement of political contributions by the applicant and the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- (12) The application number, date of application and action taken on all prior applications filed for rezoning of all or part of the subject property;
- (13) Copy of warranty deed; and
- (14) Proof that property taxes for the parcel(s) in question have been paid.

1206 (c) Impact analysis.

- (1) If the zoning change has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed zoning change with regard to each of the standards governing consideration, which for rezoning are enumerated under Section 1207 (a) and for Special Use approval are enumerated under Section 1207 (b).
- (2) For proposed developments with 100,000 square feet of nonresidential floor area or 50 dwelling units, or more, a traffic study as defined in Article 15 and a hydrology study, prepared by professional engineers registered in Georgia under the direction of the County at the applicant's expense, must be submitted along with the application for a zoning change.
- (3) For proposed developments with less than 100,000 square feet of nonresidential floor area or 50 dwelling units, a traffic study and a hydrology study, prepared by professional engineers registered in Georgia under the direction of the County at the applicant's expense, shall not be required unless expressly requested by the Development Services Director.
- (4) A traffic study, a hydrology study and other studies of the impact of the proposed development may be required by the Development Services Department, Planning & Zoning Board or the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the proposed zoning change. Should such studies be required, the studies shall be prepared under the direction of the County at the applicant's expense.

1206 (d) Concept plan.

- (1) An application for a rezoning or Special Use shall be accompanied by a concept plan if any new construction or alteration of the site is proposed.
- (2) A concept plan may be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.
- (3) The concept plan shall be drawn on a boundary survey of the property. The boundary survey shall have been prepared by a Georgia registered land surveyor and meet the requirements of the State of Georgia for such a map or plat under O.C.G.A. 15-6-67(b).
- (4) The concept plan shall show the following:
 - a. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property.

- b. Man-made features within and adjacent to the property, including existing and future right-of-way of streets, pavement width and street names; political boundary lines; and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - c. Natural features, such as the 100-year flood plain, and protected wetlands and stream buffers required under the Buffers, Landscaping and Tree Conservation Article of this Ordinance.
 - d. Proposed use of the property.
 - e. The proposed project layout including:
 - 1. For residential subdivisions, and office or industrial parks, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
 - 2. For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, dumpsters, zoning buffers, parking areas, loading stations, zoning buffers, stormwater detention facilities, and driveways, entrances and exits.
- (5) The concept plan shall also indicate:
- a. Name and address of the property owner.
 - b. Name, address, and telephone number of the applicant (if different than the owner).
 - c. Date of concept plan drawing, and revision dates, as appropriate.
 - d. Location (Land District, Land Section and Land Lot) and size of the property in acres (or in square feet if less than an acre).
 - e. Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location concept.
 - f. A statement as to the source of domestic water supply.
 - g. A statement as to the provision for sanitary sewage disposal.
 - h. The approximate location of proposed storm water detention facilities.
 - i. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

1206 (e) Other required information.

The following information must be included (except under Section 1206 (e)(2), below):

- (1) A description of the extent to which the property value of the subject property is diminished by the existing zoning district classification;
 - a. The existing value of the property contained in the petition for rezoning under the existing zoning classification;

- b. The value of the property contained in the application for rezoning under the proposed zoning classification or the alternate language described in (2) below. Failure to document the valuation may prevent any constitutional claims being made against adverse zoning decisions;
 - c. A description of any existing use of the property, including a description of all structures presently occupying the property;
 - d. The length of time the property has been vacant or unused as currently zoned; and
 - e. A detailed description of all efforts taken by the property owners to use the property or sell the property under the existing zoning classification.
- (2) As an alternative, the applicant may submit the following stipulation, knowingly and willingly executed before any notary of the state:

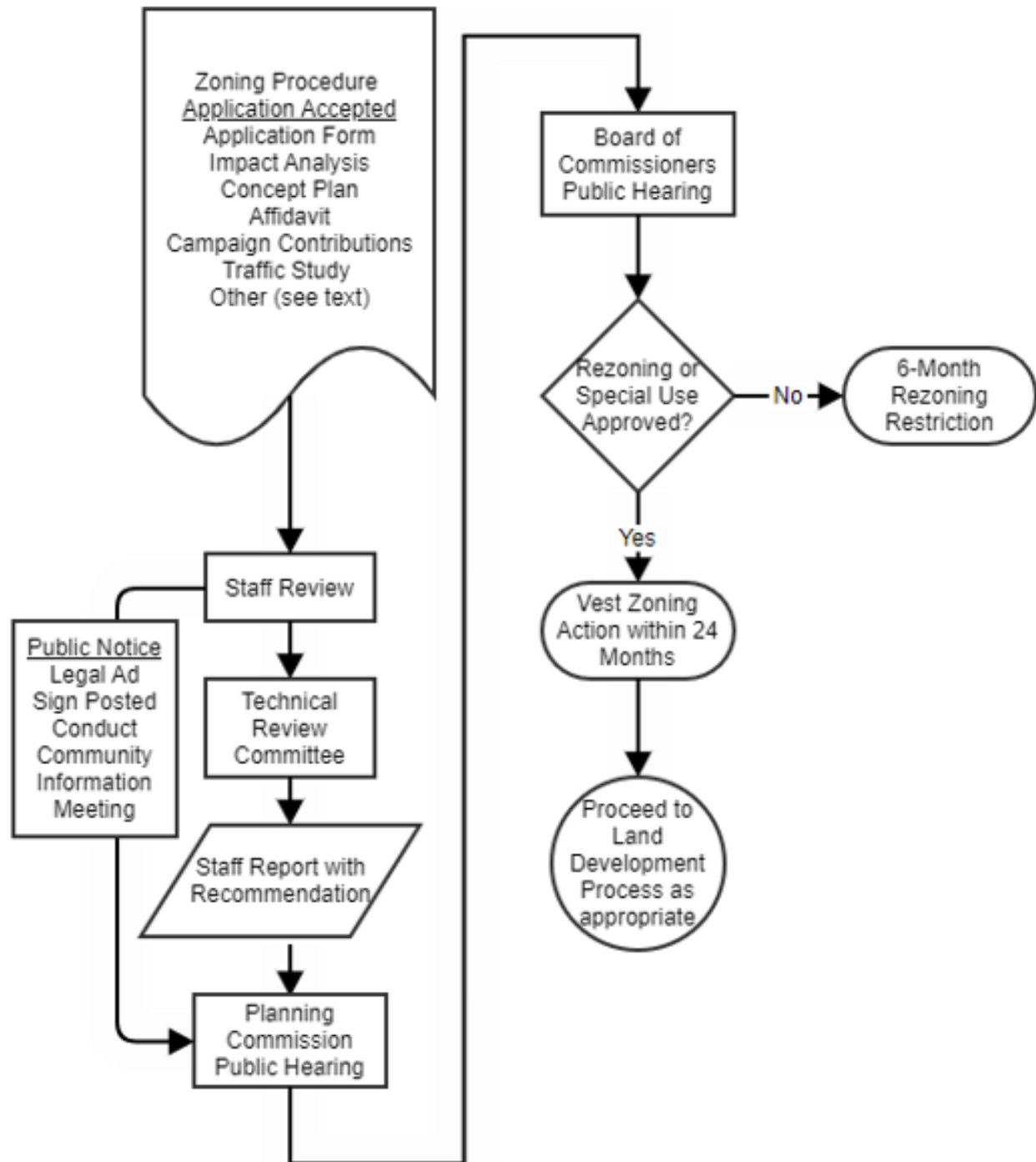
"I do not regard the application information requested under Section 1206 (e)(1) of the Douglas County Unified Development Code, as necessary or relevant to the Board of Commissioners in its consideration of my petition for a zoning change. I stipulate that such information shall not be relevant to the Board of Commissioners in its deliberations or to any court in its review of the decision on my petition."

1206 (f) Processing of zoning change applications by staff.

- (1) Following receipt and acceptance of a complete application for a zoning change pursuant to Section 1206 (a), the Development Services Director shall send a list of the applications to each member of the county commission and the Planning & Zoning Board. Each list will include the name of the applicant, property owner, leaseholder (if applicable), street address, and land lot section and parcel number. Following receipt thereof and prior to the first public hearing, the individual officials shall file such conflict of interest disclosures as may be required by O.C.G.A. 36-67A.
- (2) The application materials will be distributed by the Development Services Department to each of the County departments and other agencies that are members of the Technical Review Committee. Analyses and comments as appropriate will be returned to the Development Services Department for inclusion in the staff recommendation.

Zoning Change Process

Rezoning or Special Use Application
Submitted by Owner or Agent



(3) Staff recommendation.

The Development Services Department shall prepare, with the assistance of the Technical Review Committee departments and agencies, a written recommendation and zoning analysis that may include, but need not be limited to, the following:

- a. Estimated number of persons to be utilizing or living in the subdivision or development.
- b. Estimated increase in school enrollment.
- c. Estimated increase in volume of traffic and anticipated access to site and routes of travel to and from site.
- d. Estimated increase in commercial business in the immediate area resulting from the increased population.
- e. Effect on law enforcement.
- f. Effect on the environment surrounding the area to be rezoning including the effect on all natural and historic resources.
- g. Anticipated problems or complications with water, sewerage, other utilities, transportation system and other infrastructure, and recreational facilities.
- h. Impact on fire protection.
- i. Physical characteristics of the site.
- j. Impact on stormwater runoff and erosion.
- k. Adjacent and nearby zoning and land use.
- l. In addition, staff will view the application in light of the standards under Sec. 1207 pertinent to a rezoning or special use request, as applicable to the application.
- m. Finally, the staff will provide a recommendation for decision consisting of either approval, approval with conditions or modifications, tabling, continuance, denial, or no recommendation.

(4) Prior to the public hearings to be held on the application by the Planning & Zoning Board and the Board of Commissioners, notice shall be given by the Development Services Department in accordance with Section 1209 (a).

Sec. 1207 - Standards governing consideration of a zoning change.

1207 (a) Standards for rezoning consideration.

All amendments to the zoning map shall be viewed in light of the following standards used to interpret the balance between an individual's unrestricted right to the use of his or her property and the public health, safety, morality, or general welfare of the community. These standards shall be printed and copies thereof shall be available for distribution to the general public at all zoning hearings. Emphasis may be placed on those criteria most applicable to the specific use proposed:

- (1) Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

- (2) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (3) Will the proposed use not adversely affect the existing use, value or usability of adjacent or nearby property?
- (4) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
- (5) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- (6) Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
- (7) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?
- (8) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

1207 (b) Standards for special use consideration.

A Special Use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. ¹ These standards shall be printed and copies thereof shall be available for distribution to the general public at all special use permit hearings. Emphasis may be placed on those criteria most applicable to the specific use proposed:

- (1) Will the proposed Special Use be consistent with the stated purpose of the zoning district in which it will be located?
- (2) Will the establishment of the Special Use impede the normal and orderly development of surrounding property for uses predominate in the area?
- (3) Is the location and character of the proposed Special Use consistent with a desirable pattern of development for the locality in general?
- (4) Is or will the type of street providing access to the use be adequate to serve the proposed Special Use?
- (5) Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?
- (6) Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the Special Use?
- (7) Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?
- (8) Will the hours and manner of operation of the Special Use have no adverse effects on other properties in the area?
- (9) Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

1207 (c) Considerations in approval or denial of a telecommunications tower special use permit.

The governing authority shall consider, but is not limited to, the following factors in action upon a Telecommunications Tower Special Use Permit under the provisions of this code:

- (1) The height and setbacks of the proposed tower.
- (2) The proximity of the tower to residential structures and residential district boundaries.
- (3) The nature of uses, as well as the height of existing structures, on adjacent and nearby properties.
- (4) The surrounding topography.
- (5) The surrounding tree coverage and foliage.
- (6) The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- (7) The proposed ingress and egress.
- (8) The availability of suitable existing towers or other structures for antenna co-location.
- (9) The impact of the proposed tower upon scenic views and the visual quality of the surrounding area.
- (10) The evidence submitted regarding the need for the tower in the area, including but not limited to propagation maps and other similar materials.
- (11) The portion of the tower that will be visible from adjacent and nearby residential properties.
- (12) The number of required trips to the tower site on a monthly basis.
- (13) The tower's effect on property values of adjacent and nearby residential properties.
- (14) The ratio of the height of the proposed tower to the height of the tallest adjacent and nearby structure.
- (15) Safety concerns associated with the proposed tower or antenna.
- (16) The tower's effect upon potential purchasers of adjacent and nearby residentially-zoned property.
- (17) The coverage or lack of coverage experienced by cell phone users in the area of the proposed tower.

Sec. 1208 - Taking action on a zoning change.

1208 (a) Planning & Zoning Board.

- (1) The Planning & Zoning Board shall hold a public hearing on each application for rezoning or Special Use in accordance with a schedule adopted by the Board of Commissioners. Such meeting shall be presided over by the chairman of the Planning & Zoning Board or in the chairman's absence a designated member of the Planning & Zoning Board. A staff report on each application shall be submitted to and considered by the Planning & Zoning Board at the public hearing. The Planning & Zoning Board shall investigate each of the criteria set forth in Sec. 1207 of this Article, as appropriate to the request.

- (2) The Planning & Zoning Board shall make a recommendation to the Board of Commissioners for approval, approval with conditions or modifications, tabling, continuance, denial, or no recommendation.
- (3) Written minutes of the Planning & Zoning Boards meeting shall be prepared and approved and maintained as a record in the Development Services Department. All documents shall thereafter become public record.

1208 (b) Board of Commissioners.

- (1) The Board of Commissioners shall take action on an application for a zoning change after the receipt of the staff report, the applicant's report and the Planning & Zoning Board recommendation.
- (2) So that the purpose of this Development Code will be served and the health, safety, convenience, prosperity, or general welfare is secured, the Board of Commissioners may approve or deny the application, reduce the land area for which the application is made, change the zoning classification, district, or category requested, add or delete conditions of the application, including but not limited to site specific conditions, or allow an application to be withdrawn without prejudice with respect to the 6 month limitation of this article. An action by the Board to defer, table, or continue the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice except posting is required.
- (3) The decision by the Board of Commissioners on an application for a zoning change shall be based on, but not limited to, a consideration of the standards set forth in Sec. 1207 of this Article, as appropriate to the request.

Sec. 1209 - Public information and hearings.

This Section includes requirements for public hearings, meetings, notice, and access to records. All hearings, meetings, notice and records relative to these regulations shall follow the procedures established in this Section.

1209 (a) Notice.

- (1) Zoning changes initiated by County.
Notice of any public hearing for a zoning change initiated by the County shall be published in a newspaper of general circulation in Douglas County at least 15 days, but not more than 45 days, prior thereto. Such notice shall state the time, place and purpose of the hearing. The notice may appear as a legal advertisement in said newspaper.
- (2) Zoning changes initiated by property owner or agent acting on behalf.
 - a. Notice of any public hearing for a zoning change initiated by the property owner, or agent on behalf of the owner, shall be published in a newspaper of general circulation in Douglas County at least 15 days, but not more than 45 days, prior thereto. Such notice shall state the time, place and purpose of the hearing, the location of the property, the present zoning classification and the proposed zoning classification or Special Use approval requested. The notice may appear as a legal advertisement in said newspaper.

- b. Where proper notice is given in accordance with these regulations, and in conformity with the Georgia Open Meetings Law, notice by mail has been provided to adjacent and adjoining property owners by regular mail as shown by county tax records, and a sign has been posted in accordance with these regulations, no further notice to the property owner or adjacent or nearby property owners is required. Failure to provide notice as required by these regulations shall be grounds for the final action on a proposed amendment to be declared null and void. It is the responsibility of the applicant for the zoning change to satisfy himself prior to the public hearing that proper notice requirements have been met.
- c. Appearance at the public hearing shall constitute a waiver of all claims based upon improper publication of notice or posting on the property.
- d. Posting of signs.
 - 1. A sign (to be furnished by the Development Services Department), placed every 300 feet of property frontage, containing the same information as required in the published notice, shall be posted by the owner or agent upon the property not less than 15 days prior to the date of the hearing. The sign shall contain letters large enough to be read from the street; whenever the property fronts on more than one street, signs shall be posted on all street frontages according to the distance requirements above.
 - 2. The property owner or agent on behalf shall remove any and all rezoning signs from the subject property within 3 business days after the date of final action by the Board of Commissioners on the proposed zoning change.

(3) Quasi-judicial zoning decisions

Notice of any public hearing for quasi-judicial zoning decisions shall be published in a newspaper of general circulation in Douglas County at least 30 days prior thereto. Such notice shall state the time, place and purpose of the hearing. Additionally, notice is to be mailed to the owner of the property that is the subject of the proposed action.

1209 (b) Public information.

Copies of the proposed zoning change, including the application, supporting documents and plats, the recommendations of the Development Services Director, minutes of the Planning & Zoning Board, and the standards set forth in Section 1207 of this Article, governing the exercise of zoning decision and quasi-judicial decision-making authority shall be maintained by the Development Services Director and available for public inspection and copying.

1209 (c) Community Information Meeting

At the discretion of the Director of Development Services and subsequent to the posting and sending of notice but preceding the official Public Hearing, at a time and place to be designated by the Director of Development Services, a community information meeting may be held to provide the public an opportunity to seek information on each application and review the information submitted to the County by each applicant and be made aware of the applicant's contact information. The purpose of this meeting is informational, and this is not a substitute for the public hearing before the Zoning Board and Board of Commissioners.

1209 (d) Public hearings.

All hearings, both regular and special, at which an application for a zoning decision or quasi-judicial zoning decision is to be discussed, considered, or acted upon by the Planning & Zoning Board or the Board of Commissioners, shall be open to the public. Notice of special meetings shall be given in accordance with the Georgia Open Meetings Law.

- (1) A public hearing shall be held by the Planning & Zoning Board and the Board of Commissioners shall hold a hearing as a condition precedent to final action by the Board of Commissioners on a zoning change.
- (2) A public hearing is called to order by the Chairman or Vice Chairman of the Board of Commissioners or by the Chairman or Vice Chairman of the Planning & Zoning Board, as appropriate. The Chairman of the Board of Commissioners or the Chairman of the Planning & Zoning Board, as appropriate, will explain the procedures of the meeting and instruct the Development Services Director to call each case for a public hearing. The Development Services Department staff shall make a short presentation outlining the request and staff recommendation. At both the Planning & Zoning Board and the Board of Commissioners public hearing, the applicant for the zoning change shall be afforded a reasonable opportunity to explain why the zoning change is being sought; thereafter, all interested persons shall be afforded a reasonable opportunity to speak either for or against the application. For each application, the applicant and proponents of the application shall have no less than 10 minutes for the presentation of data, opinions and evidence at the public hearing, and opponents of the application shall likewise have a minimum of 10 minutes for presentation. Speakers shall be limited to a reasonable time, irrelevant or repetitious comments shall be avoided, and decorum shall be maintained. After hearing the staff recommendation and considering all public comments the Planning & Zoning Board shall reach a recommendation on each application to be provided to the Board of Commissioners. After receiving a report from the Development Services Department or the Planning & Zoning Board recommendation, considering all public comments and due deliberation by the Board of Commissioners, the Board will then render a decision on the application.

1209 (e) Attendance required.

The applicant or representative of the applicant shall attend all public hearings on the application. Although the Board of Commissioners may take final action on an application in the absence of the applicant or the applicant's representative based on the standards contained under Sec. 1207, the failure to attend may result in a tabling of the application or continuance of the hearing at the Board's sole discretion. The Development Services Director may waive the attendance requirement for Special Use approvals based upon extenuating hardship. The Department may act as agent on behalf of the owner/applicant with written authorization and waiver of liability from the owner/applicant under specific hardship circumstances with the caveat that any questions staff is not able to address may result in the request being tabled for consideration at a hearing the owner/applicant is able to attend.

Sec. 1210 - Conditional zoning.

Each zoning district established in Article 2 of this Development Code shall have a sub-classification there under known as "conditional" for that classification. All zoning changes annotated with a suffix "C" after the district designation (i.e. C-N-C) denote that the parcel is zoned "conditional" under a previous zoning change approval. Such conditions shall remain in effect, and copies of such conditional

regulations may be obtained from the Development Services Director. Likewise, conditions may be attached to a Special Use at the time of its approval by the Board of Commissioners.

- (1) An application to alter conditions of zoning or Special Use approval shall be submitted through the Development Services Department and Planning & Zoning Board to the Board of Commissioners for public hearing. The application shall be processed in accordance with all provisions applicable to approval of a zoning change under this Article.
- (2) Except as specifically modified by this Section, an application for a conditional zoning change shall be treated as a new application and shall be subject to the requirements and procedures of this Article.
- (3) An applicant may apply for a conditional zoning change and so state on the application. The conditional zoning application may be based on written conditions contained within the application and the subsequent zoning approval, or it may be based on a site plan.
- (4) The Planning & Zoning Board, after the required public hearing, may recommend approval of the conditional application as submitted, may recommend denial of the application, or may recommend a change in the conditions, as deemed appropriate pursuant to the standards contained under Sec. 1207.
- (5) The Board of Commissioners, after the required public hearing, may approve the conditional application as submitted, may deny the application as deemed appropriate, or may change the zoning district with conditions as deemed appropriate pursuant to the standards contained under Sec. 1207.
- (6) After approval of the conditional zoning change request by the Board of Commissioners, a request for a building permit shall be submitted to the Plans Review Coordinator, who shall make the determination that the final building and site plans are in conformance with the approved concept plan and with any conditions attached by the Board of Commissioners. An approved concept plan shall not be deemed to authorize the violation of any of the terms or requirements of this Development Code.
- (7) If for any reason development and use of property approved in accordance with the procedure outlined above cannot be accomplished, the plans shall not be altered, changed or varied, except after approval by the Board of Commissioners. Applications for amendments to any concept plan shall be filed with the Development Services Department after depositing a filing fee which shall be the same as for an unconditional zoning application for the same district or districts.
- (8) The Development Services Director shall have the authority to approve minor alterations of zoning conditions or exhibits approved by the Board of Commissioners on an application for a zoning change, including the following:
 - a. Building relocation, curb cut relocation and traffic circulation changes due to topographic, environmental or other design factors;
 - b. Parking design;
 - c. Addition of accessory uses or structures;
 - d. Utility relocation;

- e. Other alterations which, in his opinion, would not change the intent of a conditional zoning approval or adversely affect county services or other properties or uses.

Sec. 1211 - Vesting of zoning change.

After an approval has been granted by the Board of Commissioners for a zoning change, the applicant, agent or property owner has 24 months to vest the zoning change approval. To vest a zoning change approval and forego its expiration, the applicant must record a final subdivision plat, receive project approval of a preliminary plat or site plan, obtain a building permit or lawfully initiate the use, whichever occurs first. If the applicant, agent, or property owner fails to vest the zoning change, the Board of Commissioners may direct the Development Services Department to initiate a zoning change to revert the property to the previously zoned condition. Such reversionary action shall proceed in accordance with provisions of this Article pertaining to zoning changes. The owner of the property will be notified of the reversionary action and afforded an opportunity to appear before the Planning & Zoning Board and Board of Commissioners to show just cause why the reversionary action should not be taken.

Sec. 1212 - Withdrawal of application.

An application for a zoning change may only be withdrawn upon a written request of the property owner or agent acting on behalf, at any time prior to the vote by the Board of Commissioners.

Sec. 1213 - Disapproval and appeal of decisions.

1213 (a) Disapproval.

If, in the opinion of the Board of Commissioners pursuant to the applicable standards contained in Sec. 1207, the proposed zoning change would tend to create conditions which would be unfavorable to or would adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of Douglas County, then the Board of Commissioners may disapprove the application and shall notify the applicant in writing by regular mail of its decision within 10 days of the date of the meeting at which the Board of Commissioners took action.

1213 (b) Re-submittal of disapproved or dismissed applications.

- (1) If an application for zoning change is disapproved or dismissed by the Board of Commissioners, then any portion of the same property may not again be considered for a zoning change for a period of 6 months from the date of the disapproval or dismissal action by the Board of Commissioners in accordance with O.C.G.A. 36-66-4(c), and as may be amended from time to time.
- (2) The Board may only consider property for a zoning change within the 6 month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the Board, if time permits, shall direct staff to advertise, post the property, and notify the applicant and owner in writing prior to taking such action.

1213 (c) Appeals.

- (1) Any person or persons aggrieved by any decision of the Board of Commissioners relating to final action on a zoning decision may seek review of such decision in the Superior Court of Douglas County. An appeal from the decision of the Board of Commissioners shall be filed within 30 days

after the date of decision by the board and upon failure to file the appeal within 30 days of the decision, the decision shall be final.

- (2) In order to comply with O.C.G.A. § 36-66-5.1(c), the Chair of the Board of Commissioners and the Chair of the Board of Planning and Zoning, as appropriate, are authorized to approve or issue any form of certificate necessary to perfect the petition described in Title 5 of the Code of Georgia for review of lower judicatory bodies and accept service of such petition on behalf of the lower judicatory board or agency.
- (3) For purposes of appeal of a quasi-judicial decision, the Development Services Director is authorized to accept service on behalf of Douglas County as opposite party.
- (4) An appeal or challenge of a final action on a zoning change shall stay all legal proceedings in furtherance of the action appealed from or challenged, unless the local government, or board from which the appeal is taken certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.

DIVISION II. - APPROVAL OF A FUTURE LAND USE MAP AMENDMENT.

An application to amend the Future Land Use Map of the Comprehensive Plan affecting any property or properties may be initiated by the Board of Commissioners, the Planning & Zoning Board, the Development Services Director, or by the owner of each property to be affected. The approval, withdrawal or denial of a future land use map amendment shall be in accordance with the provisions of this Division.

Sec. 1214 - Applications for a future land use map amendment.

1214 (a) Future land use map amendment applications; receipt and acceptance.

- (1) Whenever a future land use map amendment is initiated by a person or persons other than the Development Services Director, Planning & Zoning Board, or Board of Commissioners, the following requirements of this Section shall be met. Prior to processing any such application, the applicant shall be required to file the necessary documentation and follow certain procedures as set forth in this Division.
- (2) An application for a future land use map amendment shall be made in writing to the Development Services Department on form(s) provided by the Department. Each application shall include the signatures of the applicant and property owner upon the application.
- (3) No application will be considered to have been made until such form(s) as described in subsection (2) have been completed and submitted to the Development Services Department with the application fees as established by the Board of Commissioners and supporting materials as required under this Division.
- (4) Applications shall include any request for information deemed necessary by the Development Services Director to enable a complete review of the request.
- (5) Any communication relative to an application for a future land use map amendment will be regarded as informational only until a proper and complete application is accepted by the Development Services Director. The Development Services Director shall review the transmittal

for completeness within 5 workdays following the submission deadline. Incomplete or improper applications will be returned to the applicant.

1214 (b) Application frequency.

- (1) Applications for amendments to the future land use map initiated by a property owner or their representative may be accepted in association with any rezoning application, in accordance with the schedule adopted by the Board of Commissioners under the Administration and Enforcement Article of this Code regarding schedules and fees.
- (2) A pending application for a zoning change that is related to or dependent upon a future land use map amendment may be heard at the same public hearing as the future land use map amendment, provided that:
 - a. The pending application shall have followed all procedures for a zoning change as set forth under Division I of this Article, including the notice provisions of Section 1209 (a)(2);
 - b. The related future land use map amendment must be heard and approved or denied before the proposed zoning change can be heard; and
 - c. If the future land use map amendment is approved, can be heard and acted upon on its own merits; or
 - d. If the future land use map amendment is denied, the proposed zoning change shall be withdrawn or denied.
 - e. A tabling of action on a future land use map amendment shall automatically table action on any related application for a zoning change.

1214 (c) Application contents.

An application for a future land use map amendment is to be submitted in one signed original copy and in a number of copies as established by the Development Services Director. The application must include the following:

- (1) Properly executed application form supplied by the Development Services Director, including the owner's signature or authorization.
- (2) The location of the subject property, including street number, if any;
- (3) Legal description of the property.
- (4) Existing future land use map category(s) of the property, and the proposed future land use map category(s).
- (5) Impact analysis, as described under Subsection 1214 (d) of this Section.
- (6) Statement of political contributions by the applicant and the applicant's attorney consistent with the requirements of the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- (7) Other information deemed pertinent to the application by the applicant.

1214 (d) Impact analysis.

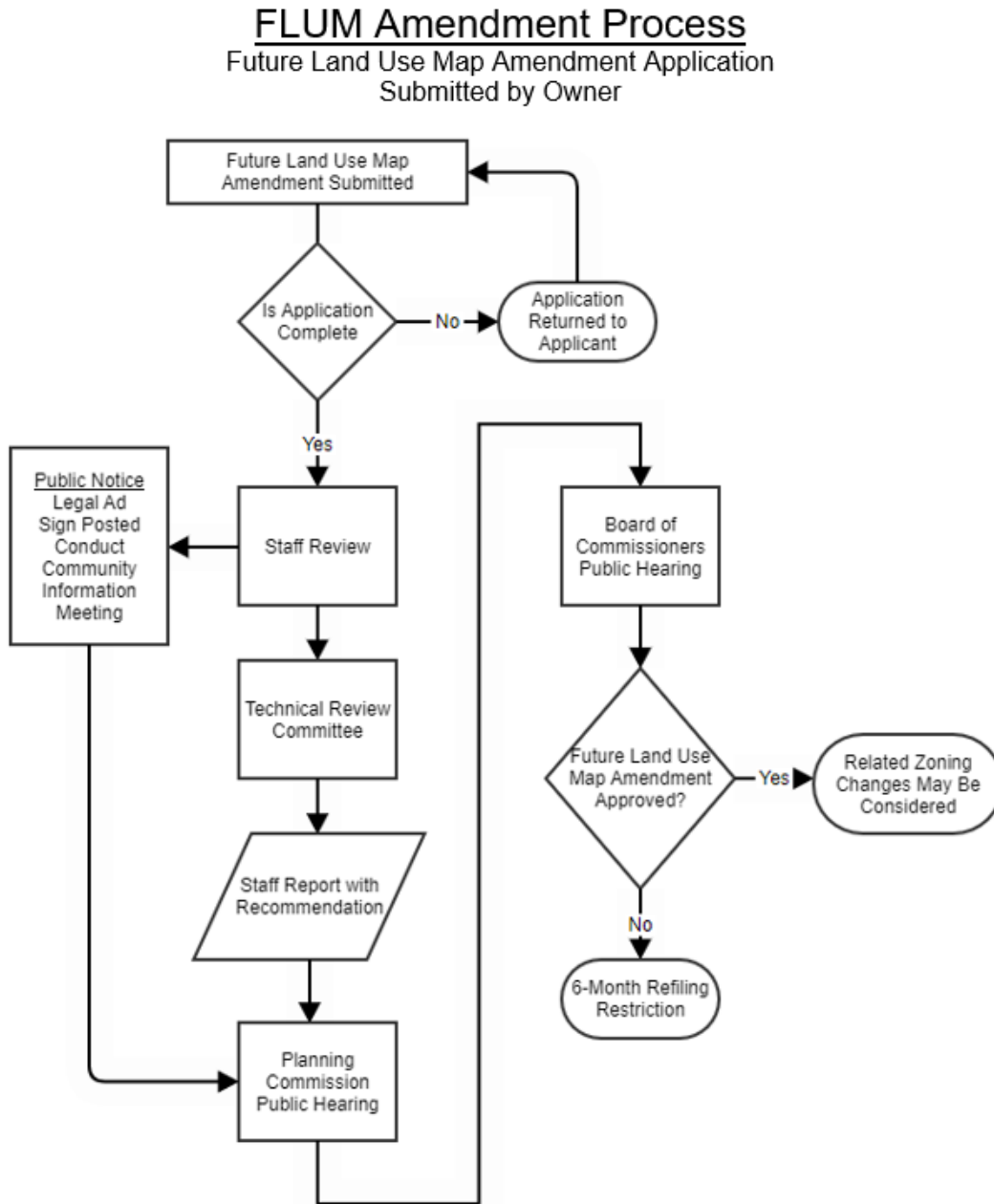
- (1) If the future land use map amendment has been initiated by an owner or their authorized representative, the application must be accompanied by a written, documented analysis of the

proposed future land use map amendment with regard to each of the standards governing consideration enumerated under Sec. 1215.

- (2) For proposed developments with 100,000 square feet of nonresidential floor area or 50 dwelling units, or more, a traffic study and a hydrology study, prepared by professional engineers registered in Georgia under the direction of the County at the applicant's expense, must be submitted along with the application for a future land use map amendment.
- (3) For proposed developments with less than 100,000 square feet of nonresidential floor area or 50 dwelling units, a traffic study and a hydrology study, prepared by professional engineers registered in Georgia under the direction of the County at the applicant's expense, shall be required unless waived by the Development Services Director.
- (4) A traffic study, a hydrology study and other studies of the impact of the proposed development may be required by the Development Services Department, Planning and Zoning Board, or the Board of Commissioners as deemed necessary for adequate consideration and a fully informed decision on the proposed future land use map amendment. The studies shall be prepared under the direction of the County at the applicant's expense.

1214 (e) Processing of future land use map amendment applications by staff.

- (1) Following receipt and acceptance of a complete application for a future land use map amendment, the Development Services Director shall send a list of the applications to each member of the county commission and the Planning & Zoning Board. Each list will include the name of the applicant, property owner, leaseholder (if applicable), street address, and land lot section and parcel number. Following receipt thereof and prior to the first public hearing, the individual officials shall file such conflict-of-interest disclosures as may be required by O.C.G.A. 36-67A.
- (2) The application materials will be distributed by the Development Services Department to each of the County departments and other agencies that are members of the Technical Review Committee. Analyses and comments as appropriate will be returned to the Development Services Department for inclusion in the staff recommendation.



(3) Staff recommendation.

The Development Services Department shall prepare, with the assistance of the Technical Review Committee departments and agencies, a written recommendation and planning analysis that will include, but need not be limited to, the following:

- a. The effects of the proposed change, both positive and negative, with regard to each of the standards under Sec. 1215.

- b. A recommendation for decision consisting of either approval, tabling, continuance, denial, or any other recommendation deemed appropriate. The staff recommendation may include approval of the extension of the requested change to other properties affected by the request, approval of a reduction in the area of the requested change, approval of a different future land use map category than requested, or any other recommendation reflecting professional and responsible planning for Douglas County.
- (4) Prior to the public hearings to be held on the application by the Planning & Zoning Board and the Board of Commissioners, notice shall be given by the Development Services Department in accordance with Section 1217 (a)(2).

Sec. 1215 - Standards governing consideration of a future land use map amendment.

The Planning & Zoning Board and the Board of Commissioners shall consider the following in evaluating a future land use map amendment, giving due weight or priority to those factors particularly appropriate to the circumstances of the application:

- (1) The extent to which a change in the economy, land use or development opportunities of the area has occurred.
- (2) The extent to which the proposed designation is in compliance with the goals and policies of the Comprehensive Plan.
- (3) The extent to which the proposed designation would require changes in the provision of public facilities and services.
- (4) The extent to which the proposed designation would impact the public health, safety, and welfare.
- (5) The extent to which additional land area needs to be made available or developed for a specific type of use.
- (6) The extent to which area demographics or projections are not occurring as projected.

Sec. 1216 - Taking action on a future land use map amendment.

1216 (a) Planning & Zoning Board.

- (1) The Planning & Zoning Board shall hold a public hearing on each application for a future land use map amendment in accordance with a schedule adopted by the Board of Commissioners. Such meeting shall be presided over by the chairman of the Planning & Zoning Board or in the chairman's absence a designated member of the Planning & Zoning Board. A staff report on each application shall be submitted to and considered by the Planning & Zoning Board at the public hearing. The Planning & Zoning Board shall investigate each of the criteria set forth in Sec. 1215 of this Article, as appropriate to the request.
- (2) The Planning & Zoning Board shall make a recommendation to the Board of Commissioners for approval, tabling, continuance, denial, or any other recommendation deemed appropriate. A recommendation for tabling or continuance shall be limited to one (1) occurrence until the next Planning & Zoning Board meeting in accordance with the schedule adopted by the Board of Commissioners under the Administration and Enforcement Article of this Code regarding schedules and fees. The recommendation may include approval of the extension of the requested change to other properties affected by the request, approval of a reduction in the

area of the requested change, approval of a different future land use map category than requested, or any other recommendation reflecting professional and responsible planning for Douglas County.

- (3) Written minutes of the Planning & Zoning Boards meeting shall be prepared and approved and maintained as a record in the Development Services Department. All documents shall thereafter become public record.

1216 (b) Board of Commissioners.

- (1) The Board of Commissioners shall take action on an application for a future land use map amendment after the receipt of the staff report, the applicant's report and the Planning & Zoning Board's recommendation.
- (2) So that the purpose of this Development Code will be served and the health, safety, convenience, prosperity, or general welfare is secured, the Board of Commissioners may approve or deny the application, approve the extension of the requested change to other properties affected by the request, approve a reduction in the area of the requested change, approve a different future land use map category than requested, or take such other action to maintain professional and responsible planning for Douglas County, or allow an application to be withdrawn without prejudice with respect to the 6 month limitation of this Article. An action by the board to defer, table, or continue the application shall be limited to one (1) occurrence until the next Planning & Zoning meeting in accordance with the schedule adopted by the Board of Commissioners under the Administration and Enforcement Article of this Code regarding schedules and fees. This statement shall constitute public notice of the hearing on the application and no further notice except posting is required.
- (3) The decision by the Board of Commissioners on a future land use map amendment shall be based on, but not limited to, a consideration of the standards set forth in Sec. 1215 of this Article, as appropriate to the request.

Sec. 1217 - Public information and hearings.

This Section includes requirements for public hearings, meetings, notice, and access to records. All hearings, meetings, notice and records relative to future land use map amendments shall follow the procedures established in this Section.

1217 (a) Notice.

- (1) Future land use map amendments initiated by County.
Notice of any public hearing for a future land use map amendment initiated by the County shall be published in the official legal organ of Douglas County at least 15 days, but not more than 45 days, prior thereto. Such notice shall state the time, place, and purpose of the hearing. The notice may appear as a legal advertisement in said newspaper.
- (2) Future land use map amendments initiated by property owner.
 - a. Notice of any public hearing for a future land use map amendment initiated by the property owner shall be published in the official legal organ of Douglas County at least 15 days, but not more than 45 days, prior thereto. Such notice shall state the time, place, and purpose of the hearing, the location of the property, the present future land use map category(s)

and the proposed category(s) requested. The notice may appear as a legal advertisement in said newspaper.

- b. Where proper notice is given in accordance with these regulations, and in conformity with the Georgia Open Meetings Law, notice by mail has been provided to adjacent and adjoining property owners by regular mail as shown by county tax records, and a sign has been posted in accordance with these regulations, no further notice to the property owner or adjacent or nearby property owners is required. Failure to provide notice as required by these regulations shall be grounds for the final action on a proposed amendment to be declared null and void. It is the responsibility of the applicant for the future land use map amendment to satisfy himself prior to the public hearing that proper notice requirements have been met.
- c. Appearance at the public hearing shall constitute a waiver of all claims based upon improper publication of notice or posting on the property.
- d. Posting of signs.
 1. A sign (to be furnished by the Development Services Department), placed every 300 feet of property frontage, containing the same information as required in the published notice, shall be posted by the owner or agent upon the property not less than 15 days prior to the date of the hearing. The sign shall contain letters large enough to be read from the street; whenever the property fronts on more than one street, signs shall be posted on all street frontages according to the distance requirements above.
 2. The owner or agent on behalf shall remove any and all public notice signs from the subject property within 3 business days after the date of final action by the Board of Commissioners on the proposed future land use map amendment.

1217 (b) Public information.

Copies of the proposed amendment, including the application, supporting documents and plats, the recommendations of the Development Services Department, and minutes of the Planning & Zoning Board, shall be maintained by the Development Services Director and available for public inspection and copying.

1217 (c) Community Information Meeting

At the discretion of the Director of Development Services and subsequent to the posting and sending of notice but preceding the official Public Hearing, at a time and place to be designated by the Director of Development Services, a community information meeting may be held to provide the public an opportunity to seek information on each application and review the information submitted to the County by each applicant and be made aware of the applicant's contact information. The purpose of this meeting is informational, and this is not a substitute for the public hearing before the Zoning Board and Board of Commissioners.

1217 (d) Public hearings.

All hearings, both regular and special, at which a future land use map amendment is to be discussed, considered, or acted upon by the Planning & Zoning Board or the Board of Commissioners, shall be open

to the public. Notice of special meetings shall be given in accordance with the Georgia Open Meetings Law.

- (1) A public hearing shall be held by the Planning & Zoning Board and the Board of Commissioners shall hold a hearing as a condition precedent to final action by the Board of Commissioners.
- (2) A public hearing is called to order by the Chairman or Vice Chairman of the Board of Commissioners or by the Chairman or Vice Chairman of the Planning & Zoning Board, as appropriate. The Chairman of the Board of Commissioners or the Chairman of the Planning & Zoning Board, as appropriate, will explain the procedures of the meeting and instruct the Development Services Director to call each case for a public hearing. The Development Services Department staff shall make a short presentation outlining the request and staff recommendation. At both the Planning & Zoning Board and the Board of Commissioners public hearing, the applicant for the future land use map amendment shall be afforded a reasonable opportunity to explain why the amendment is being sought; thereafter, all interested persons shall be afforded a reasonable opportunity to speak either for or against the amendment. For each application, the applicant and proponents of the application shall have no less than 10 minutes for the presentation of data, opinions and evidence at the public hearing, and opponents of the application shall likewise have a minimum of 10 minutes for presentation. Speakers shall be limited to a reasonable time, irrelevant or repetitious comments shall be avoided, and decorum shall be maintained. After hearing the staff recommendation and considering all public comments the Planning & Zoning Board shall reach a recommendation on each application to be provided to the Board of Commissioners. After receiving a report from the Development Services Department and the Planning & Zoning Board recommendation, considering all public comments and due deliberation by the Board of Commissioners, the Board will then render a decision on the application.

1217 (e) Attendance required.

The applicant or representative of the applicant shall attend all public hearings on the application. Although the Board of Commissioners may take final action on an application in the absence of the applicant or the applicant's representative based on the standards contained under Sec. 1215, the failure to attend may result in a tabling of the application or continuance of the hearing at the Board's sole discretion.

Sec. 1218 - Withdrawal of future land use map amendment applications.

A future land use map amendment application may only be withdrawn upon a written request of the property owner or agent acting on behalf of the owner prior to the vote of the Board of Commissioners.

Sec. 1219 - Disapproval and appeal of decisions.

1219 (a) Disapproval.

If, in the opinion of the Board of Commissioners pursuant to the applicable standards contained in Sec. 1215, the proposed future land use map amendment would tend to create conditions which would be contrary to the purposes, intent, goals or objectives of the Comprehensive Plan; be unfavorable to the orderly growth of the county and efficient in the delivery of services; or would otherwise adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of Douglas County, then the Board of Commissioners may disapprove the application and shall notify the applicant in

writing by regular mail of its decision within 10 days of the date of the meeting at which the Board of Commissioners took action.

1219 (b) Re-submittal of disapproved applications.

- (1) If an application for a future land use map amendment is disapproved, then any portion of the same property may not again be considered for a future land use map amendment for a period of 6 months from the date of the denial action by the Board of Commissioners.
- (2) The Board may only consider a property for a future land use map amendment within the 6-month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the Board, if time permits, shall direct staff to advertise, post the property, and notify the applicant and owner in writing prior to taking such action.

1219 (c) Appeals.

Any person or persons aggrieved by any decision of the Board of Commissioners relating to final action on a future land use map amendment may seek review of such decision in the Superior Court of Douglas County. An appeal from the decision of the Board of Commissioners shall be filed within 30 days after the date of decision by the board and upon failure to file the appeal within 30 days of the decision, the decision shall be final.

DIVISION III. - PRELIMINARY PLATS AND SITE DEVELOPMENT PLANS.

Sec. 1220 - Project approval.

The Development Services Department must first approve a preliminary plat for a major subdivision or a site plan for development of a multi-family or nonresidential project prior to the issuance of a development permit or initiation of any land disturbing or construction activities. Minor subdivisions, as defined in the Subdivisions and Planned Developments Article of this Code, follow the procedures under Section 1220 (c). Construction Plan Review for subdivisions can be initiated in conjunction with Preliminary Plat Review, however, no construction plan review may be finalized until the preliminary plat has been granted approval as to form by the Board of Commissioners and a Certificate of Preliminary Plat Approval has been issued. No Development Permit will be issued until Preliminary Plat and Construction Plan approvals have been obtained.

1220 (a) Preapplication review.

Whenever the subdivision or development of a tract of land within Douglas County, Georgia, is proposed, the developer shall submit to the Development Review Committee (DRC) staff, the proposed plans for a required preapplication review of the development concept. The developer shall submit the concept plan associated with rezoning or Special Use approval of the property, if any, or may submit sketch plans showing one or more designs for the proposed development and a map of the vicinity showing the relationship between the proposed development and nearby physical features, streets, subdivisions, and/or acreage tracts. No fee shall be charged for the preapplication review and no formal application shall be required.

1220 (b) Procedure for project approval.

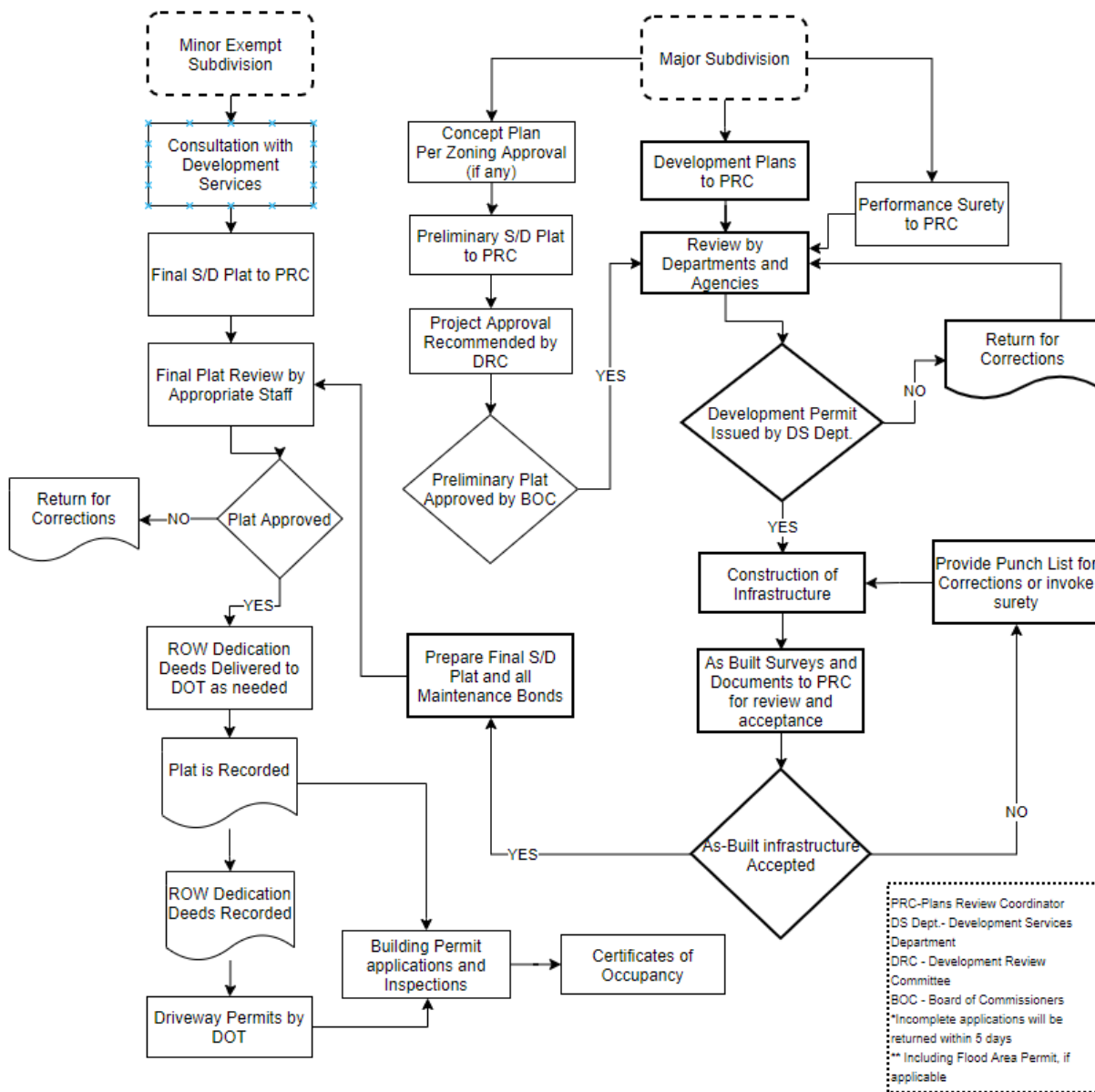
- (1) An application for project approval may be processed independently or in conjunction with an application for issuance of a development permit.

- (2) An application for project approval shall be submitted to the Plans Review Coordinator in the Development Services Department. The application shall include:
 - a. The name and address of the person requesting review.
 - b. A properly completed application form, as furnished by the Development Services Department, requesting review for project approval.
 - c. The preliminary subdivision plat or site plan, in a number of copies as established by the Development Services Director, showing the entire ownership drawn to the specifications of this Section.
 - d. Existing and proposed covenants and restrictions.
 - e. A copy of the deed to the property.
 - f. Proof that taxes on the property have been paid.
 - g. Proposed streetlight layout in accordance with the Streetlights Section of the Project Design and Construction Standards Article of this Development Code.
 - h. If located within the Quality Growth Development district, those additional items required for a certificate of approval under the O-QGD district standards in the Subdivisions Article of this Development Code.
 - i. Payment of the applicable application and review fees as established by the Board of Commissioners from time to time.
- (3) The Development Services Department will review the application for completeness within 5 workdays of submission. Incomplete applications will be returned to the applicant.
- (4) Submission of preliminary plat to water and sewer authority.

At the time the preliminary plat is submitted to the Development Services Department, the subdivider shall deliver a complete copy of the submittal to the Douglasville-Douglas County Water and Sewer Authority (DDCWSA). Following its review, the authority shall deliver an impact analysis to the Development Services Department. No major subdivision will be approved until an impact analysis from the water and sewer authority is received.

- (5) Review of preliminary plat or site plan.

The Development Services Department will review the documents and forward copies to the Douglas County Development Review Committee (DRC) for its technical advice. The review staff will meet in session to discuss any problems or corrections necessary before preliminary approval is granted. In addition, an impact study prepared by the review staff will address the effect of the proposed subdivision or development project on the environment surrounding the property and anticipated problems with water, sewerage, streets, and recreational facilities.



(6) Reserved.

(7) If the major subdivision includes or abuts a U.S. or State numbered highway, unless all of the lots in the subdivision contain 5 acres or more and no new street is involved, review by the Georgia Department of Transportation (GDOT) is required under O.C.G.A. 32-6-151. Two additional copies of the preliminary plat must be submitted to the Development Services Department for forwarding to GDOT. The owner or subdivider must respond to the recommendations of the GDOT prior to project approval by the County. If the written recommendations of the GDOT are not made within 30 days of receipt of the plat by GDOT, their approval shall be assumed as provided under State law.

(8) Time limit for review.

All preliminary subdivision plats and site plans submitted to the Development Services Department for approval which meet the various requirements set forth in this Section shall be approved or denied by the Douglas County Development Review Committee not later than 6 weeks following the date of submission of the plat.

(9) Following review of the application, the Plans Review Coordinator will assemble all comments related to compliance with this Development Code and forward them to the applicant.

(10) The owner is responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all the noted and written comments.

(11) The Development Services Department may not approve any preliminary subdivision plat or site plan that shows a lot or situation that would clearly require a variance in order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.

(12) Action by the Douglas County Development Review Committee.

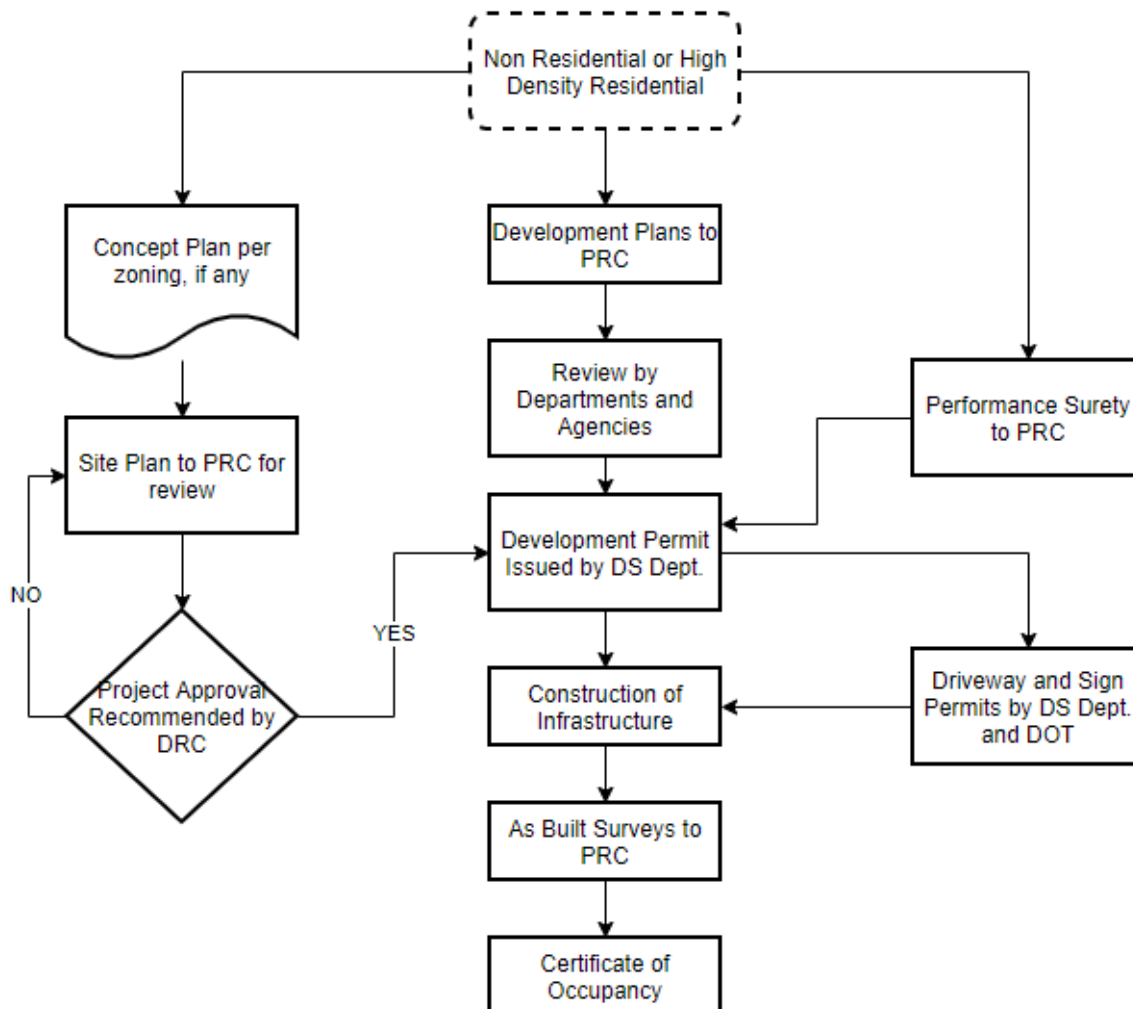
After receipt of recommendations by the subdivision review staff, the Douglas County Development Review Committee shall recommend one of the following:

- a. Issuance of a certificate of project approval by the Board of Commissioners.
- b. Issuance of a certificate of conditional project approval subject to any necessary modifications or conditions, the nature of which shall be indicated on a copy of the preliminary plat or attached to it in writing, and which conditions shall be satisfied on or before the date of final plat approval. The conditions shall be consistent with the provisions of this Development Code.
- c. Disapproval of the preliminary plat or site plan, or any portion thereof, on the grounds that the proposed development would not meet the requirements of this Development Code, or would create conditions which would be unfavorable to or adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of Douglas County. In such case, the Douglas County Development Review Committee shall notify the applicant in writing of its recommendation.

(13) Action by the Board of Commissioners.

Preliminary Plats are required to be submitted to the Board of Commissioners for placement on an agenda a minimum of 10 days prior to a regularly scheduled meeting. At the next available meeting of the Board of Commissioners, the Board shall consider the proposed development and the recommendation of the Development Review Committee. The Board may:

- a. Grant project approval subject to the Development Review Committee recommendation;
- b. Grant project approval subject to further conditions; or
- c. Deny the request due to noncompliance with the requirements, intent or purposes of this Development Code.



(14) Attendance required.

The applicant or representative of the applicant should attend all work session and meetings of the Board of Commissioners on the application for Preliminary Plat Approval. Although the Board of Commissioners may take final action on an application in the absence of the applicant or the applicant's representative, the failure to attend may result in a tabling of the application at the Board's sole discretion.

(15) Project approval binding for 12 months.

The Certificate of Preliminary Plat Approval will remain in effect for a period of 12 consecutive months after which time it will become null and void, unless an extension of time has been submitted to the Development Review Committee for their recommendation and is subsequently approved by the Board of Commissioners. While extensions may be granted for cause for additional 12 month periods by the Director of Development Services, the development will be required to meet any changes to the Douglas County Unified Development Code that may have been instituted since the first date of approval.

(16) What project approval of a preliminary plat constitutes.

Approval of the preliminary plat is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat and is not to be considered as approval of the final plat.

(17) Effect on status of dedication.

The approval of a preliminary plat by Douglas County shall not be deemed to constitute or effect an acceptance by the County of any street or other ground shown upon the plat.

(18) Improvements authorized.

Notwithstanding project approval or conditional project approval, no improvements are authorized before approval of construction plans by the Development Services Department and the WSA as set forth in this Article. Improvements must be installed according to construction plans as approved.

(19) Requests for appeals and variances.

Appeals of denials and appeals from conditions recommended by the Douglas County Development Review Committee shall be presented to the Board of Commissioners at the time of their consideration of the development project application under Section 1220 (b)(13). All requests for variances shall be made to the Board of Appeals in accordance with the Appeals Article of this Development Code.

1220 (c) Minor subdivisions (short-cut procedure).

(1) Provisions for minor subdivision approval.

The provisions for project approval of a preliminary plat may be waived in the case of a minor subdivision as defined in the Subdivisions and Planned Developments Article of this Development Code, and the subdivider may submit an application for final plat approval, without submitting a preliminary plat, provided:

- a. The lots shall meet all zoning and other requirements of this Development Code;
- b. The subdivision shall provide all applicable improvements for a minor subdivision required in the Project Design and Construction Standards Article of this Code; and
- c. The property to be subdivided is not all or a portion of any property previously subdivided as a part of a minor or major subdivision except in the case of a recombination or resubdivision request under the Subdivisions and Planned Development Article of this Code.

(2) Consultation with the Development Services Department necessary.

A subdivider intending to proceed in accordance with the minor subdivision procedure shall first consult with the Development Services Department, supplying sufficient information to show that the specified conditions will be met.

(3) Preparation of plat.

After consulting with the Development Services Department, the subdivider shall submit a final plat of the subdivision meeting the applicable standards of Sec. 1231 and containing the applicable notes, statements and certifications of Sec. 1232.

- (4) Review and recordation of minor subdivision plat.

Review, approval and recordation of the minor exempt subdivision plat shall follow the procedures for exempt final subdivision plats under Division V of this Article.

1220 (d) General standards for project approval for site development plans or major subdivision preliminary plats.

- (1) A preliminary plat or site development plan shall be prepared by a registered professional engineer, land surveyor or landscape architect professionally familiar with land development and project construction activities.
- (2) The proposed name of the development and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other development or street in the County. If shown to the contrary, the Development Services Department may refuse to accept such development or street names. The development may use letter designations in place of proposed street names at the option of the applicant.
- (3) The preliminary plat or site development plan shall be prepared on a boundary survey of the entire tract to be subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
- (4) The preliminary subdivision plat or site plan shall be clearly and legibly drawn at a scale of not less than 100 feet to 1 inch. The recommended maximum dimensions of the sheet size is 36 inches by 42 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director of Development Services may approve other sheet sizes and graphic scales as appropriate.
- (5) For property of over 100 acres, a smaller scale may be used where, in the judgment of the Director of Development Services, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.

Sec. 1221 - Preliminary plat or site development plan requirements.

Each preliminary plat or site development plan shall show the following:

1221 (a) Caption.

- (1) Proposed name of the development and its acreage (or square footage if less than an acre).
- (2) Name, address, telephone and fax numbers of the property owner and subdivider or developer.
- (3) Name, address, telephone and fax numbers of the applicant.
- (4) Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
- (5) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.

1221 (b) Development information.

- (1) Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.
- (2) Location (Land Lot, District and Section depicted) and size of the property in acres (or in square feet if less than an acre).
- (3) Location map of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets, railroads or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- (4) Name and boundary of former approved subdivision if any or all of the land in the preliminary subdivision plat or site plan has been previously subdivided, showing boundaries of the lots to be re-subdivided.
- (5) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- (6) Rezoning or Special Use application number, date of approval, and stipulations (conditions of approval), as applicable.
- (7) Variances obtained on the property by application number, date of approval, and stipulations (conditions of approval), as applicable.
- (8) Recorded deed names of adjoining property owners or subdivisions.

1221 (c) Development design.

- (1) Ground elevations on the tract based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic information shall be shown. Contour lines shall be drawn at intervals of not more than 2 feet. If the tract is to be developed on a public or community sewerage, or into lots having a minimum area of one acre, a contour interval of 5 feet shall be acceptable. Contour lines shall be based on a datum plane as approved by the health department.
- (2) Natural features within the property, including:
 - a. Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings.
 - b. On all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract the direction and acreage of the drainage area above the point of entry shall be noted. Floodplains shall be outlined.
- (3) Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines and structures, existing buildings to remain, culverts and other man-made features
- (4) The proposed project layout including:
 - a. For subdivisions, lot lines, lot numbers, block letters, and street right-of-way lines (with proposed street names and right-of-way widths), along with the front building setback line and the dimension of its length on each lot (i.e., the lot width) and land to be reserved for public uses.

- b. For multi-family and nonresidential development site plans, the outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, zoning buffers, parking areas, driveways, curb cuts, and designated fire lanes.
- (5) The proposed phasing of the development if it is proposed to be built in sections.
- (6) Water and sewer facilities.
 - a. Location and size of existing water and/or sewer lines, and proposed placement, size and material type of water and/or sewer lines and fire hydrants.
 - b. A statement as to the source of domestic water supply.
 - c. A statement as to the provision for sanitary sewage disposal. For those properties that will not be served by a public or community sanitary sewerage system, location and results of percolation tests as required and approved by the County Health Department are to be shown.
 - d. Location, site plan, and other information as may be required by the County Health Department for all community sewage disposal plants.
- (7) The approximate location of proposed storm water detention facilities.
- (8) Proposed streetlight layout and design standards/drawings. For non-residential projects, a photogrammetric study will be required.
- (9) Elevations of all structures with materials identified as to types and percentages, shall be required on all High Density residential and multi-family and non-residential projects.
- (10) Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

1221 (d) Designer and owner certifications.

Each preliminary plat or site plan is to include a certification by the professional engineer, registered land surveyor or landscape architect responsible for the project design, and by the owner, that read as shown on Figure 12.1 and are signed in blue ink on the original drawing.

1221 (e) Evidence of project approval.

Each preliminary subdivision plat or site plan shall carry the following certificates printed or stamped on the plat.

- (1) Signed approval from the County Health Department (if septic tanks will be used).
- (2) Certificate of Project Approval, to read as shown on Figure 12.2.

Figure 12.1

DESIGNER'S CERTIFICATION

It is hereby certified that this [preliminary plat][site plan] was prepared using a survey of the property prepared by _____, RLS, and dated _____; and further that the proposed [subdivision][development] meets all requirements of the Douglas County Unified Development Code, as applicable to the property.

By (name): _____

Signed: _____

Registration No. _____

Address: _____

Telephone Number: _____

Date: _____ 20____

OWNER'S CERTIFICATION

As the owner of this land, as shown on this [preliminary plat][site plan], or his agent, I certify that this drawing was made from an actual survey, and accurately portrays the existing land and its features and the proposed development and improvements thereto.

Date: _____ 20____

[Owner][Agent] Name: _____

Signed: _____

Figure 12.2

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Douglas County Health Department and are approved for preliminary subdivision site work only.

Dated this ____ Day of _____ 20____

By _____

Title _____

CERTIFICATE OF PROJECT APPROVAL

All applicable requirements of the Douglas County Unified Development Code relative to Project Approval having been fulfilled, approval of this [preliminary plat][site plan] is hereby granted by the Douglas County Board of Commissioners, subject to further compliance with all provisions of said development regulations, and subject to any conditions of approval attached hereto.

Chairman, Douglas County Board of Commissioners

Date _____ 20____

This approval does not constitute approval of a development permit or of a Final Subdivision Plat. This Certificate of Project Approval shall expire 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not been commenced.

NOT FOR RECORDING

Sec. 1222 - Construction plans.**1222 (a) General requirements.**

- (1) Persons seeking to undertake land-disturbing activity (as defined in this Development Code) shall not commence or proceed until construction plans are approved by the Development Services Department and the WSA, and a development permit is issued by the Development Services Department. The process for approval of a development permit is presented in the Development Permit Section (Sec. 1223), below.
- (2) The construction plans for a project shall conform in all respects with the requirements of this Development Code, and shall include each of the plans in this Section as appropriate to the project. These include:
 - a. Erosion and Sedimentation Control Plan;
 - b. Grading Plan;
 - c. Stormwater Management Plan;

- d. Floodplain Management/Flood Damage Prevention Plan;
 - e. Street Improvement Plan;
 - f. Landscaping, Buffer and Tree Conservation Plans;
 - g. Public Utility Plans;
 - h. On-site Septic System Plans; and
 - i. Lighting Plan;
- (3) All construction plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in the State, except that the Landscaping, Buffer and Tree Conservation plans are to be prepared by or under the supervision of a landscape architect registered in the State.
- (4) The plans shall be drawn on sheets a minimum of 24 inches by 36 inches in size.
- (5) One copy of the approved construction plans must be at the job site when work is in progress.

1222 (b) Erosion and sedimentation control plan.

The application and plan requirements for erosion and sedimentation control plans are found in the Erosion Control and Stormwater Management Article of this Development Code.

1222 (c) Grading plan.

The grading plan may be combined with the erosion and sedimentation control plan if clarity will not be compromised.

- (1) Grading plans shall identify existing and planned topographic contours as required for erosion and sedimentation control plans.
- (2) Grading plans shall outline any area that is required to remain undisturbed, such as a natural zoning buffer, tree protection area, stream buffer or wetland (see the Landscaping, Buffers and Tree Conservation Article and the Environmental Protection Article of this Code) and shall identify and describe the protective fencing or staking to be placed surrounding such area.

Figure 12.3: Wetlands Certification	
The design professional whose seal appears herein certifies the following: (1) the National Wetlands Inventory Map has been consulted; (2) the appropriate plan sheet	
<input type="checkbox"/> DOES	<input type="checkbox"/> DOES NOT
indicate wetlands as shown on the map; and (3) if wetlands are indicated the landowner or developer has been advised that land disturbance of protected wetlands shall not occur unless the appropriate Section 404 Permit or Letter of Permission has been obtained.	

- (3) Grading plans shall include a Wetlands Certification indicating whether or not wetlands are located on the property. The design professional that prepared the grading plans shall add a statement to the grading plan sheet indicating whether or not wetlands are located on the property by checking the appropriate box. The Wetlands Certification shall read as shown in Figure 12.3.
- (4) If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed in conformance to all requirements relating to Flood Damage Prevention under the Erosion Control and Stormwater Management Article of this Development Code.

1222 (d) Stormwater management plan.

The application and plan requirements for stormwater management plans are found in the Erosion Control and Stormwater Management Article of this Development Code.

1222 (e) Floodplain management/flood damage prevention plan.

The floodplain management permit application requirements and requirements for floodplain management/flood damage prevention plans are found in the Erosion Control and Stormwater Management Article of this Development Code.

1222 (f) Street improvement plan.

- (1) Center line profiles and typical street sections of all proposed streets shall be required. Profiles shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widening.
- (2) Where sanitary sewer or storm water sewers are to be installed within a street, the grade, size, location and bedding class of pipe, and the location and invert elevation of manholes shall be indicated on the road profile.
- (3) Center line profiles covering streets that are extensions of existing streets shall include elevations at 50 foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by this Development Code for street improvements, but no less than 200 feet.
- (4) All plan elevations shall be coordinated and sited into any U.S. Coast and Geodetic Survey or Georgia Department of Transportation bench marks within 1,200 feet of the street, or into reference monuments established by the Federal Emergency Management Agency.
- (5) A street striping plan, showing striping in accordance with the *Manual on Uniform Traffic Control Devices*, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to 4 or more lanes.

1222 (g) Landscaping, buffer and tree conservation plans.

All proposed landscaping as required by this Code in front, side and rear landscape areas; for parking lot landscape areas, trees and street-side screening; in zoning buffers; and trees to be retained or planted as required by the tree conservation provisions of this Code, shall be illustrated on plans as described in this Subsection. The plans may be consolidated as one plan if the information can be clearly shown.

- (1) Site landscaping plan.

- a. Scale at 1 inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 - b. Caption:
 - 1. The name of the development and its acreage (or square footage if less than an acre).
 - 2. Name, address, telephone and fax numbers of the property owner and subdivider or developer.
 - 3. Name, address, telephone and fax numbers of the applicant.
 - 4. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the landscape architect under whom the plan was prepared shall be stamped on the plan and signed.
 - 5. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
 - c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
 - d. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 - e. The outline of all existing and proposed buildings and structures.
 - f. The boundaries of all natural zoning buffers, stream buffers and other areas required to remain undisturbed.
 - g. The boundaries of each required landscape strip.
 - h. A planting plan showing the location, size and common name of proposed plant materials.
 - i. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscape strips or parking lot landscaping.
- (2) Buffer plan.

A buffer plan shall be prepared for any natural or structural zoning buffer required in accordance with the specifications and standards contained in this Development Code. The buffer plan shall show:

- a. Caption, as required under 1222 (g)(1)b for site landscaping plans.
- b. The boundaries of each required zoning buffer area.
- c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
- d. For each natural zoning buffer, the plan must show:
 - 1. Methods to be employed to protect the drip line areas of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the Protection of Existing Trees Section of the Landscaping, Buffers and Tree Conservation Article of this Development Code.

2. Proposed supplemental plantings required to maintain the opaque visual screen required.
- e. For each structural zoning buffer, the plan must show:
 1. All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
 2. A planting plan showing the location, size and type of proposed plant materials.
 3. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for zoning buffers.
 4. Typical cross-sections of the zoning buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each buffer.
- (3) Tree conservation plan.

The tree conservation plan shall be submitted prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage.

- a. Tree conservation plan; preparation.
 1. The tree conservation plan for any multi-family or nonresidential development shall be related to the site plan for the project. Combination of the tree conservation plan and the site landscaping plan is encouraged.
 2. For subdivisions, the tree conservation plan shall be drawn on a copy of the preliminary subdivision plat, to which the information required by this Subsection will be added.
 3. The tree conservation plan shall comply with the requirements of the *Community Tree Planting and Establishment Guidelines* of the Georgia forestry Commission, latest edition.
- b. The tree conservation plan shall include the following basics:
 1. For multi-family or nonresidential development projects, scale at 1 inch = 20 feet to 50 feet, as needed to clearly show illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 2. Caption, as required under 1222 (g)(1)b for site landscaping plans.
 3. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas. Off-site easements that may be affected by tree plantings must also be shown.
 4. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 5. The outline of all existing and proposed buildings and structures.
 6. The boundaries of all natural zoning buffers, stream buffers and other areas required to remain undisturbed.
 7. The boundaries of each required landscape strip.
- c. The tree conservation plan shall show the following:

1. The extent of the development site or disturbed area, the gross area of the site, and the net site area to which the tree conservation requirements apply.
2. Specimen trees:
 - a) Each specimen tree or specimen tree stand that will be removed from the development site, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement. Such trees or tree stands are subject to concurrence of the County Arborist.
 - b) Each specimen tree or specimen tree stand that will remain on the development site and be protected during construction, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement. Such trees or tree stands are subject to concurrence of the County Arborist.
 - c) Grade changes or other work adjacent to a specimen tree that would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.
3. Tree plan:
 - a) Limits of tree conservation areas, showing existing trees to be retained and new trees to be planted, specifying type and size.
 - b) In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of trees in each stand that are submitted for credit by number and size.
 - c) Calculations showing compliance with the tree unit requirements of the Tree Conservation Division of the Landscaping, Buffers and Tree Conservation Article of this Development Code.
 - d) Planting schedule, if applicable.
 - e) Curb stops to prevent vehicle overhang, where required to protect planting areas and vegetation.
4. Irrigation.
 - a) The tree conservation plan is to include a note indicating the type of irrigation to be used. If hand watering is the type to be used, the plan must show the location of water faucets or quick couplers that will be used for this purpose.
 - b) If an irrigation system is provided, a separate irrigation plan is to be submitted showing the location of lines and heads, the spray radius for each head, all valves (control, shut off, drainage, etc.), timer and rain sensor location. The name and telephone number of a responsible 24-hour emergency contact shall be prominently displayed on the plan.
5. During-construction activities:
 - a) Methods to be employed to protect the critical root zones of the trees in the zoning buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the Protection of Existing Trees

Section of the Landscaping, Buffers and Tree Conservation Article of this Development Code.

- b) Staging areas for parking, materials storage, concrete washout, and debris burn and tub grinding.

6. Additional information.

Additional information that the Development Services Director may require to provide a full understanding of conditions on the site and the elements of the proposed tree conservation plan or during-construction activities.

7. Notes.

Each tree conservation plan shall include notes clearly printed on each plan sheet, as shown in Figure 12.4.

Figure 12.4: TREE CONSERVATION PLAN NOTES
All tree protection devices must be installed and inspected prior to clearing, grubbing or grading. Call the County Development Services Department for an inspection.
Tree protection shall be vigorously enforced. No activities of any kind are to be allowed within any area shown to be undisturbed on this plan.
The retention and planting of trees as shown on this plan must be verified prior to issuance of a Certificate of Occupancy or acceptance of the project. Call the County Development Services Department for an inspection.
A maintenance inspection of trees will be performed prior to the expiration of the 2-year maintenance period. Project owners at the time of the maintenance inspection are responsible for compliance with the provisions of this plan and the Douglas County Unified Development Code.

1222 (h) Public utility plans.

(1) Domestic water supply plan.

If connection to a public water system is proposed or required, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the Water and Sewer Authority.

(2) Sewage disposal plan.

If a connection to a public system is proposed, Sewage disposal plans are to include: Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the Water and Sewer Authority.

1222 (i) On-site septic system plans.

For projects approved to be served by on-site sewage disposal systems, location of septic tank, extent of drain field and attendant structures, location and results of percolation tests, and other information shall be shown as required by the County Health Department. Specific plan requirements include:

- (1) A letter from the Water and Sewer Authority stating that connection to public sewerage is not available.
- (2) Soils map and classification of soils as performed by a Soil Scientist. Percolation tests and additional soil borings may be required by the Health Department. When percolation tests are performed, a minimum of three percolation tests per installation site shall be conducted and highest soil absorption rate shall be used. Test boring shall be shown on the plot plan.
- (3) Calculations relating to the design of the septic system shall be submitted with a plot plan showing the maximum daily waste water usage (GPD); the sewage percolation coefficient; size of septic tank and area of absorption trenches, length, depth and width of absorption trenches, and depth of gravel bed; all mathematical calculations and supporting data. Systems shall be designed using the maximum daily waste water usage and the highest percolation rate. The minimum acceptable percolation rate shall be 45 minutes per inch.
- (4) Identification of location of wells within 500 feet of the property.
- (5) Location of soil test holes referenced to a description of the soils.
- (6) Location of septic tank and primary and secondary (replacement) absorption trenches. Solid and perforated pipe shall be shown as solid and dotted lines, respectively. All absorption trenches shall run parallel with contour lines and shall be at least 10 feet apart. Absorption trenches shall not be installed on filled graded sites or where slopes exceed 25 percent. Trenches shall not be greater than 4 feet deep unless recommended by a Soil Scientist to improve percolation rates.
- (7) Where an existing septic system is to be utilized, an evaluation of the system shall be performed to indicate its suitability for treating the anticipated daily waste water requirements. The existing systems shall be plotted on the site plan.

DIVISION IV. - PERMITS.

Sec. 1223 - Development permit.

1223 (a) Responsibility for development actions.

- (1) No person shall conduct any land-disturbing activity, including grading, clearing and grubbing, tree clearance, land development or project construction without first obtaining a development permit from the Development Services Department to perform such activity.
- (2) Any person proposing development shall first submit to the Plans Review Coordinator in the Development Services Department an application for a development permit, including all construction plans required by this Development Code. The application must be authorized by the property owner.
- (3) The Development Services Department is responsible for administering the review and approval process for issuance of development permits. The Development Services Department

shall forward a copy of the development permit application, including the construction plans for the project, to other County departments, the Water and Sewer Authority, the Soil and Water Conservation Commission District, the Georgia Department of Transportation or others as appropriate, for their review and comment. The Development Services Department shall provide all comments to the applicant for resolution, and shall issue the development permit when all requirements of this Development Code are met.

- (4) Approval of plans by the appropriate department or agency shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (5) The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (6) No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this Development Code shall be considered to have been null and void upon its issuance.
- (7) Liability.
 - a. The approval of an erosion and sedimentation control plan or other plans under the provisions of this Development Code, the issuance of a development permit, or the compliance with any other provisions of this Development Code shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Board of Commissioners or the Soil and Water Conservation District for damage to any person or property.
 - b. The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this Development Code or the terms of the development permit.

1223 (b) Development activities authorized.

A development permit shall be issued to authorize all activities associated with development activity regulated by this Code, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

1223 (c) Process for approval of development permit.

An application for a development permit may proceed simultaneously with an application for project approval of a preliminary subdivision plat or site development plan but may not be issued prior to approval of such plat or plan by the Development Services Department.

- (1) The application for a development permit shall be submitted to the Plans Review Coordinator in the Development Services Department and must include the following:

- a. Application on the form furnished by the Development Services Department, requesting review for issuance of a development permit.
 - b. Four copies of:
 1. The preliminary plat or site development plan requesting or reflecting project approval by the Development Services Department.
 2. The construction plans prepared in conformance with the specifications and standards in this Development Code.
 - c. Two copies of the hydrology study.
 - d. One copy of the soil tests (if applicable).
 - e. Payment of any development permit fee, as established from time to time by the Board of Commissioners.
- (2) The application will be checked for completeness within 5 workdays of its submission. Incomplete applications will be returned to the applicant.
- (3) Upon acceptance of a development permit application, the Plans Review Coordinator shall:
- a. Refer the soil erosion and sedimentation control plan to the WSA and the Soil & Water Conservation District for their review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. No development permit will be issued unless the soil erosion and sedimentation control plan has been approved by the District and the WSA, and any variances and bonding, if required, have been obtained.
 - b. Refer the stormwater management plan and the floodplain management/flood damage prevention plan (if any) to the WSA for its review and approval or disapproval. No development permit will be issued unless the stormwater management plan and the floodplain management/flood damage prevention plans have been approved by the WSA.
- (4) The applicant may be required by the Plans Review Coordinator to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:
- a. Fire Marshal.
 - b. County Health Department.
 - c. Soil and Water Conservation District.
 - d. Georgia Department of Transportation.
 - e. Georgia Department of Natural Resources.
 - f. U.S. Army Corps of Engineers.
 - g. U.S. Environmental Protection Agency.
- (5) Upon receipt of comments from other departments and agencies, the Plans Review Coordinator will indicate on a copy of the construction plans or in writing all comments related to compliance with this Development Code, conditions of zoning approval, and other regulations or ordinances, as appropriate.
- (6) The Plans Review Coordinator will forward all comments to the applicant.

- (7) The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.
- (8) No development permit will be issued unless the applicant provides a statement by the County Tax Commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

1223 (d) Issuance of development permit.

- (1) Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, the Development Services Department shall obtain signatures from all involved agencies on three (3) sets of plans and return the signed sets of plans to the engineer/surveyor. The engineer/surveyor shall then provide the Development Services Department with a digital copy of the plans including a scanned image of the cover sheet with all signatures. The image files shall be in a .pdf or .tif format unless otherwise specified by the Development Services Director. After obtaining the digital copy, the Development Services Department shall issue a development permit authorizing the development activities to begin based on the approved construction plans.
- (2) Permits shall be issued or denied as soon as practicable, but in any event not later than 60 days after receipt by the County of a complete application, providing variances and bonding are obtained, where necessary.
- (3) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (4) Additional provisions regarding permits are found in the Erosion Control and Stormwater Management Article of this Development Code.

1223 (e) Expiration of development permit.

- (1) A development permit shall expire if the development activity described in the permit is not begun within 6 months from the date of issuance. Any such expired permit may be renewed by the Development Services Department within 6 months of development expiration, subject to permit renewal approval by the WSA. If a development permit has expired for more than 6 months, the applicant shall be required to apply for a new development permit under the development permit approval process of this Development Code.
- (2) Every permit or renewal thereof shall be valid for a period of one year, if not sooner renewed, terminated, revoked, or surrendered. Permits shall be eligible for renewal within 60 days prior to expiration. The County may refuse renewal based on materially changed land conditions or based on any ground that would be the basis for revocation of the active permit.
- (3) Any change or amendment of design and construction plans for the project that may materially impact or negate the permit based on original approval of the plan shall require a permit amendment. All amendments shall be applied for in writing and follow the same procedure for approval as original applications for a development permit.

Sec. 1224 - Floodplain management permit.

1224 (a) Floodplain management permit required.

If development or construction is proposed within or affecting an area of special flood hazard, approval of a floodplain management permit application by the WSA shall be required. An application for a floodplain management permit may be included with and reviewed along with a development permit application.

1224 (b) Application process for a floodplain management permit.

The floodplain management permit application requirements and process are found in the Erosion Control and Stormwater Management Article of this Development Code

Sec. 1225 - Driveway permit.

1225 (a) Driveway permit; when required.

- (1) No driveway connecting to a public street or a public right-of-way or public property shall be repaired or installed without first having approval from the Department of Transportation. If the driveway connects to a State or U.S. numbered highway, approval of the Georgia Dept. of Transportation shall be required prior to County approval.
- (2) Applications may be made to the Plans Review Coordinator or directly to the DOT.

1225 (b) Driveway permit; expiration.

A permit shall expire for work not started within 90 days or completed within 6 months after issuance of a permit, and a new permit shall be required before beginning or completing the work.

Sec. 1226 - Building permit.

1226 (a) Building permit; required.

A building permit issued by the Chief Building Official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure in accordance the provisions of the building code.

- (1) No building permit shall be issued and no building shall be erected on any lot in the county unless access to a public right-of-way has been established in accordance with this Development Code.
- (2) No building permits shall be issued before approval of the final plat for a lot in a subdivision except that all structures shall comply with the requirements of this Development Code, whether or not a building permit is required.

1226 (b) Procedures to obtain a building permit.

- (1) Procedure for approval.

The Chief Building Official is responsible for administering and enforcing the building codes of the County.

- a. Prior to issuance of a building permit the owner shall have received a development permit, if required, by this Development Code.

- b. Zoning verification shall be obtained from the Development Services Director in the Development Services Department. The following shall be attached to the Zoning Verification Application:
 - 1. For a single-family detached or two-family dwelling, a plat or other indication of the location of the lot.
 - 2. For a multi-family or nonresidential building, the site development plan upon which was granted project approval by the Development Services Department.
 - 3. A street address number as shown on the final plat or as assigned by the Development Services Department.
- c. Application for a building permit shall be made to the Chief Building Official. The application shall include:
 - 1. Application on the form furnished by the Chief Building Official, requesting issuance of a building permit.
 - 2. A copy of the zoning verification approved by the Development Services Director.
 - 3. Three copies of a site development plan drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot if buildings already existing, if any; and the location and exterior dimensions of the proposed building or alteration. For single-family and two-family residences, such plans may be prepared on an 8½ x 11-inch sheet size.
 - 4. The application shall include such other information as lawfully may be required by the Chief Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Code.
 - 5. Eight sets of architectural building plans for principal multi-family or non-residential buildings. Such plans shall be prepared in conformance with this Development Code and the applicable building codes. Such plans shall be prepared by or under the supervision of an architect registered in Georgia, who shall sign and seal each sheet in the original set of drawings.
 - 6. All site plans and architectural building plans shall be submitted in an electronic format acceptable to the Director of Development Services.
 - 7. County Health Department Approval if an on-site sewage disposal system has been allowed
 - 8. Payment of the building permit application and review fee.
 - 9. Water meter receipt issued by the Water and Sewer Authority.
- d. The application will be checked by the Chief Building Official for completeness within 5 work days. Incomplete applications will be returned to the applicant.
- e. Within 2 weeks following receipt of a complete application, the Chief Building Official shall indicate on the building plans approval or disapproval and attest to same by his signature.

One copy shall be returned to the applicant and the original copy shall be retained by the Chief Building Official.

- f. The owner shall be responsible for compliance with this Development Code and all building code requirements, regulations, and for the satisfaction of all of the comments of the Chief Building Official.
 - g. At such time as the owner has addressed the comments to the satisfaction of the Chief Building Official and the Office of the Fire Marshall, a building permit will be issued for the structure.
 - h. Plumbing, electrical and mechanical permits shall be issued separately by the Chief Building Official or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.
- (2) If the work authorized by a building permit has not begun within 6 months from the date of issuance the permit shall expire. As long as work has commenced under the building permit, it shall be valid for one (1) year, except that if within any 180-day period an inspection has not been performed the building permit shall expire. Two (2) extensions for the building permit for six (6) months each shall be allowed as long as work is continual and an inspection has occurred within each 180 day period.
- (3) Standards for approval.
- a. Building permits shall be issued only on buildable lots of record, as defined in this Development Code, except in the case of a model home allowed under Sec. 1226 (c).
 - b. Building permits shall be issued in conformance with the adopted technical codes and supplements that constitute the County's building code. Conformance to this Development Code is also required as a prerequisite to issuance of a building permit.

1226 (c) Model homes.

Within a major subdivision that is under construction, up to 4 model homes may be constructed on proposed lots prior to final plat approval and recordation, subject to the following requirements of this Subsection.

- (1) The public water supply system shall provide live water service on site prior to construction, including adequate fire-fighting pressure and flow at the nearest fire hydrant.
- (2) Paved road access must be in place between each model home and the nearest public street prior to use.
- (3) No model home may be issued a Certificate of Occupancy or offered for sale prior to final plat approval and recordation.
- (4) The occupancy and use of the model home shall be treated as a tenant-at-will under a temporary Certificate of Occupancy.
- (5) A garage used for temporary offices, show room or other non-garage use must be converted back to a bona fide automobile garage prior to issuance of a Certificate of Occupancy or sale of the home.
- (6) Commercial parking areas on the lot must be removed prior to issuance of a Certificate of Occupancy or sale of the home.

1226 (d) Certificate of occupancy.

- (1) It is unlawful to use or occupy or permit the use or occupancy of any part of a building, structure, or premises, until a certificate of occupancy has been issued stating that the building or structure or premises conforms to the requirements of the building codes and this Development Code.
- (2) A certificate of occupancy shall be required for any of the following:
 - a. Occupancy and use of a building or structure constructed or enlarged.
 - b. Change in use of existing buildings to uses of a different classification.
 - c. Any change in use of a nonconforming use, lot or building.
- (3) Permanent electric power may not be supplied to any structure until a certificate of occupancy shall have been issued and the power company contacted by the Chief Building Official.
- (4) A record of all certificates of occupancy shall be maintained by the Chief Building Official and a copy shall be furnished upon request to any person.

Sec. 1227 - Sign permit.

Requirements pertaining to the issuance of sign permits are contained in the Sign Regulations Article of this Development Code.

Sec. 1228 - Permit to move a building.

1228 (a) Moving permit required; number limited.

A house, building or other structure or any part of a house, building or other structure shall not be moved or caused to be moved by any person through or across any sidewalk, street, alley or highway within the jurisdictional limits of the county, without such person first obtaining a permit from the building official. Furthermore, no contractor or developer who is engaged in the business of restoring moved-in houses shall be allowed more than one building permit for the reconstruction of moved-in houses at any one given time.

1228 (b) Moving permit application; inspection.

- (1) Any person desiring to move a building, house or other structure shall first file with the building official a written application setting forth the following information:
 - a. Type and kind of building to be moved.
 - b. The original cost of such building.
 - c. The extreme dimensions of the length, height and width of building.
 - d. Its present location and proposed new location by lot, block, subdivision and street numbers, or plat and legal description if not within a subdivision.
 - e. The approximate time such building will be upon the streets, and contemplated route that will be taken from present to new location. '
 - f. The complete name, address and telephone number of the current owner.
 - g. A written contract between the mover of the structure and the party for whom the structure is moved, or proof of ownership of the structure by the mover.

- (2) The building official shall conduct a preliminary inspection of the house, building or other structure proposed to be moved at its present location prior to its removal and relocation. If in the opinion of the building official, the moving of, any structure will cause serious injury to persons or serious damage to property or serious injury to the streets or other public improvements, or the structure to be moved has deteriorated more than 50 percent of gross floor area by fire or other element, or the moving of the structure will violate any of the requirements of this Code or of the zoning regulations, the permit shall not be issued and the structure shall not be moved over the streets. Any structure being moved for which a permit was granted shall not be allowed to remain in or on the streets for more than 48 hours.
- (3) A nonrefundable application and processing fee as prescribed from time to time by the board of commissioners, on file in the office of the clerk, shall be paid to the county at the time the written application required in Section 1228 (b)(1) hereof is submitted to the county. The applicant shall also pay to the county an inspection fee calculated at an hourly rate as provided from time to time by the board of commissioners, on file in the office of the clerk, for each hour that the building official or the building official's delegate is away from the county office in connection with the inspection of the house, building or other structure at its present location, together with mileage expenses for each mile the building official or delegate travels from the county office to the house, building or other structure, at the rate prescribed from time to time by the board of commissioners, on file in the office of the clerk.

1228 (c) Bond.

The building official, as a condition precedent to the issuance of such permit, shall require a bond to be executed by a person desiring such removal permit, with corporate surety to such official's satisfaction. The bond shall be with a company licensed to do business in the State of Georgia and included on the United States Department of Treasury's list of acceptable sureties. Such bond shall be made payable to the applicable governing body and for such amount as the building official prescribes. It shall indemnify the applicable governing body against any damage caused by the moving of a structure to streets, curbs, sidewalks, shade trees, highways and any other property that may be affected by the moving of a structure. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of said permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay said applicable governing body as liquidated damages an amount not exceeding \$50.00 to be prescribed by the building official for each day's delay in completing such removal or in repairing any damages to property or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby. In lieu of the foregoing, if the mover of the structure is licensed by the state public service commission and shows proof that all appropriate bonds have been submitted to and accepted by the public service commission, then the within and foregoing bond requirements shall be waived.

1228 (d) Notices to be given by building official.

Upon the issuance of aforesaid moving permit, the building official or some other party acting upon the building official's request shall cause notice to be given to the sheriff, fire marshal, chief of the fire department, telephone, gas or light companies, or others whose property may be affected by such removal. The building department shall set forth in all notices the route that will be taken, time started, and approximate time of completion.

1228 (e) Public safety requirements.

- (1) Every building, house or other structure that occupies any portion of public property after sundown, shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.
- (2) There shall be a minimum of 5 red lights placed on each street side of the building, house or other structure; such red lights shall be attached to the structure in such a fashion as to indicate extreme width, height and size.
- (3) There shall be placed in addition to the red lights, on the structure, flares at regular intervals for a distance of 200 feet up the street on each side of the building, house or other structure.
- (4) When more than 50 percent of the street, measured between curbs, is occupied at night by the structure, or when in the opinion of the building official, flagmen are necessary to divert or caution traffic, the owner or person moving such building shall employ at such owner's or person's expense, 2 flagmen, one at each street intersection beyond the building; such flagmen shall remain at these intersections diverting or cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night.

1228 (f) Improvements by owner required; building permit.

- (1) The owner of any house, building or other structure proposed to be moved shall make all necessary improvements required in order for said house, building or other structure to comply with the requirements of the building, electrical, plumbing and mechanical codes as adopted in the county, within ninety (90) working days (defined as Monday through Friday) from the date the house, building or other structure is moved into the county and placed on the site where it shall be permanently located. The owner shall be required to acquire a building permit from the building official at the time improvements are begun to the house, building or other structure. Rates for the building permit shall be those established by the County. The permit shall be valid for a period of 60 working days (the "initial term") from the date the house, building or other structure is moved into the county and placed on the site where it shall be permanently located, and it may be renewed for an additional period of 30 working days at the expiration of the initial term upon payment to the county of a renewal fee established by the county, provided the foundation, roof, windows and all exterior finish are completed, the house is damp-proof, and the plumbing, electrical and mechanical systems are roughed in, all to the satisfaction of the building official. Extensions of such time for construction as deemed reasonable may be granted by the building official upon a showing of delay caused by matters beyond the control of the owner. If the reconstruction is not completed to the degree hereinabove required at the expiration of the initial term, and if the time for completion is not otherwise extended by the building official as provided herein, then the owner shall pay a fine to the county of a sum as prescribed from time to time by the board of commissioners, on file in the office of the clerk, per working day for each working day that the required construction is not completed. If the required construction is not fully completed following the renewal term of 30 working days after an extension is given, and if the time for completion is not otherwise extended by the building official as provided herein, then the owner shall also pay a fine to the county in the same amount as above provided, per working day for each working day that the construction is not fully completed.
- (2) The application for the moving permit shall be accompanied by an application for a building permit and, except for single-family residential dwellings, a complete set of plans and specifications showing all contemplated improvements, signed by the owner or the owner's agent.

- (3) No house, building or other structure may be occupied by any person until a final certificate of occupancy is granted by the building official.

DIVISION V. - FINAL SUBDIVISION PLATS.

Final plats for major subdivisions must comply with the provisions of this Division.

Sec. 1229 - Final plats; responsibility.

- (1) The Director of Development Services, acting through the Plans Review Coordinator, shall be responsible for coordination of the approval process for all final subdivision plats.
- (2) The final subdivision plat shall be certified and sealed by a registered land surveyor.
- (3) The owner is responsible for compliance with all requirements of this Development Code. Approval of a final subdivision plat and acceptance of the public improvements and dedications therein shall not relieve the owner of this responsibility.

Sec. 1230 - Procedures for final plat approval.

1230 (a) Application for final plat approval.

- (1) Prior to submission of an application for final subdivision plat approval, either:
 - a. All public improvements shall have been properly installed and completed in accordance with all requirements and standards of this Development Code (other than traffic signs, street name signs, street striping, and signalization) and as-built surveys of the improvements shall have been approved by the Development Services Director as required in the Project Design and Construction Standards Article of this Code; or,
 - b. A guarantee in lieu of completed improvements shall have been received by the Development Services Department and approved by the Development Service Director as provided under the Project Design and Construction Standards Article of this Development Code.
- (2) An application for a final subdivision plat approval shall be made to the Plans Review Coordinator in the Development Services Department. The application shall include:
 - a. The name and address of the person to whom the notice of approval shall be sent.
 - b. A properly completed application form, as furnished by the Plans Review Coordinator, requesting final subdivision plat review.
 - c. 8 copies of the final subdivision plat drawing prepared in conformance with the Final Plat Requirements in this Section, the original of which shall be drawn in permanent ink on archival paper.
 - d. The as-built surveys of the improvements as required in the Project Design and Construction Standards Article of this Code if the surveys have not been previously received and approved.
 - e. Dedication deeds.

Executed deeds for the dedication of all street rights-of-way, easements and other public properties natural resource easements and conservation easements (as applicable).

f. Affidavit from developer.

At the time the final plat is submitted to the Development Services Department, the subdivider must also submit an affidavit signed by the developer certifying that the streets, drainage structures and any other design features have been constructed according to the development construction drawings approved by the Development Services Department. This will include street grades, drainage structures, drainage pipe size and profiles, street paving specifications, utility locations, dam construction and any other facilities that have been incorporated into the development. See the Owner's Certificate under Section 1232 (b).

g. Letter of acceptance of water and sewer lines.

At the time the final plat is submitted to the Development Services Department, the subdivider must also submit a letter to the department from the Douglasville-Douglas County Water and Sewer Authority. The letter shall verify the authority's acceptance of the subdivision's water and/or sewer lines.

h. Protective Covenants.

Protective covenants shall be required for all subdivisions in which more than 5 lots are created. At a minimum, the protective covenants shall create a homeowners' association for the subdivision with mandatory membership of all property owners and mandatory dues, and shall be recorded prior to the final plat. See the Subdivisions and Master Planned Communities Article of this Code regarding homeowners' associations and the specific elements required to be contained within such documents.

i. Proof of bonds.

Upon submission of the final plat, the subdivider must provide proof in writing on forms supplied by Douglas County that a maintenance bond, letter of credit which shall be irrevocable and collateralized, or escrow account and/or a performance bond, letter of credit which shall be irrevocable and collateralized, or escrow account have been made payable to Douglas County in accordance with Section 1027.

j. Proof of payment for materials and installation of traffic signs and street name signs made to the Development Services Department. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included in the application.

k. Streetlights.

All subdivision developers shall provide streetlights in accordance with the Streetlights Section of the Project Design and Construction Standards Article of this Development Code. Proof of payment for the construction and installation of the streetlights, an executed agreement with the appropriate utility company, and payment for the streetlights fund shall be provided to the Plans Review Coordinator at the time the final plat is submitted.

l. Payment of all applicable final subdivision plat filing and recording fees, as established by the Board of Commissioners from time to time.

1230 (b) Review and approval process.

- (1) The Plans Review Coordinator shall review the application for completeness within 5 work days of submission. Incomplete applications will be returned to the applicant.
- (2) If the major subdivision includes or abuts a U.S. or State numbered highway, unless all of the lots in the subdivision contain 5 acres or more and no new street is involved or is classified as a minor exempt subdivision or minor administrative subdivision, review by the Georgia Department of Transportation (GDOT) is required under O.C.G.A. 32-6-151. The owner or subdivider must respond to the recommendations of the GDOT prior to final plat recording. If the written recommendations of the GDOT are not made within 30 days of receipt of the plat by GDOT, their approval shall be assumed as provided under State law.

- (3) Review of final plat.

The Plans Review Coordinator shall review the documents and forward copies to the Douglas County Development Review Committee for its technical advice. The review staff will meet in session to discuss any problems or corrections necessary before final approval is granted. After the review staff has completed its review of the final subdivision plat and granted approval, each department will stamp and sign the final plat.

- (4) Time limit for review.

All final plats submitted to the Plans Review Coordinator for approval which meet the various requirements set forth in this Code shall be considered and approved by the Development Review Committee (DRC) not later than 45 days following the submittal to the review staff.

- (5) Action by the Development Services Director.

After receipt of recommendations by the subdivision review staff, the Development Services Director shall do one of the following:

- a. Issue a certificate of final plat approval and pass a resolution approving the final plat and street light district; or
- b. Disapprove the final plat or any portion thereof on the grounds that the subdivision does not meet the requirements of this Development Code, or would create conditions that would be unfavorable to or adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of Douglas County. In such case, the Development Services Director shall notify the applicant in writing of its decision.

- (6) Action by the Director of Transportation.

Prior to approval of a final subdivision plat, the applicant shall provide to the Development Services Director who shall then forward the right-of-way dedication deeds to the Director of Transportation for acceptance and processing.

- (7) Recording of the final plat.

- a. After the final archival print of the subdivision has been approved and stamped and signed by the members of the review staff and the Chairman of the Board of Commissioners, the Plans Review Coordinator will file the plat for recording with the Clerk of Superior Court.
- b. The subdivider shall deliver to the Plans Review Coordinator a final print on white archival grade paper of the final plat that is stamped in red with a certificate that states that the plat has been approved according to the subdivision procedures of Douglas County.

c. It shall be the Plans Review Coordinator's responsibility to see the final plat is recorded.

(8) Copies of the approved final plat.

Subsequent to the recording of the final plat, the original signed copy on final archival print with all certificates endorsed thereon, fifteen (15) additional hard copies, and one digital copy, positioned correctly in Georgia NAD_83 State Plane Coordinates (in U.S. survey feet to the hundredth of a foot) and compatible with the Douglas County Geographic System, shall be filed with the records of the Development Services Department. The plat book and page and time of recording shall also be indicated on the copies.

(9) Special certificate required to record any plat.

No plat depicting changes to the boundaries of an existing tract, regardless of whether it is a minor subdivision, major subdivision plat, or a random conveyance, a final plat or a revised final plat shall be recorded in the records of the Clerk of the Superior Court of Douglas County unless the plat conforms to these regulations. The plat shall be in the form of a final print on archival grade white paper and is stamped in red with a certificate which states that the plat has been approved according to the subdivision procedures of Douglas County and that the Clerk of the Superior Court of Douglas County is authorized to record it so long as said certificate is signed and dated in blue ink by either the Development Services Director or his designee.

1230 (c) Revised final plat.

(1) Consultation with Development Services Department necessary.

When it becomes necessary to revise a recorded final plat due to some error, required adjustment, or desired adjustment, the developer shall confer with the Development Services Director or Plans Review Coordinator to verify that such proposed revision will comply with the requirements of the Code of Ordinances or this Development Code.

(2) Preparation of revised final plat.

If it is established that revision is feasible, the subdivider shall have such subdivider's engineer make the necessary corrections on a new plat of that portion of the subdivision involved. The subdivision name, date and book and page number of the original recording shall be noted on the new plat. Revisions and a notation explaining the revisions shall also be shown on the revised plat. The revised plat shall be filed with the Plans Review Coordinator.

(4) Fee for filing revised plat.

At the time of filing an application for revised final plat approval, a fee shall be paid to the county as established by the Board of Commissioners from time to time.

(5) Review for revised final plat.

The Plans Review Coordinator shall review the documents and forward copies to the Douglas County Development Review Committee for its technical advice as applicable. The review staff will meet in session as needed to discuss any problems or corrections necessary before approval of the revised final plat is given. After the review staff has completed its review of the revised final plat, each department will stamp and sign the revised final plat.

(6) Copies of the approved revised final plat.

After the revised plat of the subdivision has been approved and stamped and signed by the members of the appropriate County agencies, the Plans Review Coordinator will submit the plat to the applicant for recording with the Clerk of the Superior Court. The recorded plat shall be forwarded back to the applicant and surveyor who may then be required to submit copies, in such number as may be established by the Development Services Director, for distribution to the county departments and other agencies. The plat shall be kept by the Development Services department.

(7) Denial of revised final plat.

Any revised plat that does not receive approval shall be returned to the developer with written notification stating the reasons for denial attached thereto. The developer may appeal any denial by the subdivision review staff to the Board of Appeals under the Appeals Article of this Development Code.

Sec. 1231 - Final plat standards.

1231 (a) General standards for final plats.

- (1) The final subdivision plat shall be drawn on an appropriate archival paper material and sheet size, and using minimum line weights and letter heights as required by Georgia law for the recordation of maps and plats (O.C.G.A. § 15-6-67), and as acceptable to the Clerk of the Superior Court.
- (2) The final plat shall be clearly and legibly drawn on permanent reproducible material. The scale of the final plat shall be 100 feet to one inch. Sheet size shall not exceed 24 inches by 36 inches. If complete plat cannot be shown on one sheet of this size, said plat shall be shown on several sheets with an index map indicated on each sheet. In no case shall sheet size be less than 8½ inches by 11 inches.
- (3) Final plat shall conform substantially to preliminary plat. The final plat shall conform substantially to the preliminary plat as approved, including all conditions imposed by the Douglas County Development Review Committee and any variances granted by the board of appeals. If desired by the subdivider, the plat may constitute only that portion of the approved preliminary plat which the subdivider has developed or proposes to develop and record at that time, provided, however, that such portion conforms to all requirements of these regulations.

1231 (b) Final plat requirements.

The final subdivision plat shall contain all caption information and plat data required by Georgia law pertaining to the recordation of maps or plats (O.C.G.A. § 15-6-67, as amended), as well as the additional information required in this Subsection.

(1) Caption.

The maps or plats shall have a title or name, including the name of the subdivision, which shall be contained in the caption, and the caption shall also provide the following information:

- a. The name of the subdivision;

- b. The name and address of the subdivider;
- c. The county, land lot, district and section, and subdivision name, if the property lies within a particular subdivision;
- d. The date of plat preparation;
- e. The scale, stated and shown graphically;
- f. The name, address, telephone number, and registration number of the land surveyor or the statement that he is the county surveyor and is not required by law to be a registered surveyor; and
- g. All reproductions of original maps or plats shall bear the original signature, in black ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat.

(2) Plat data.

Maps or plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information, as specified:

- a. All maps or plats shall show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record;
- b. All maps or plats of boundary surveys or subdivision surveys shall show bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet;
- c. All maps or plats shall show the width and the former widths, if pertinent, of all rights of way adjacent to or crossing the property or adjacent to any point of reference;
- d. All maps or plats shall show easements and apparent encroachments, if pertinent;
- e. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and directions shall be given for irregular curves;
- f. All land lot lines, land district lines, land section lines, and city or county boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures;
- g. All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent material such as iron, steel, concrete, or stone, as required for survey monuments under the Project Design and Construction Standards Article of this Code;
- h. An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;
- i. All linear distances shown on maps or plats shall be horizontal;

- j. All angular directions shown on maps or plats shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of 1 in 5,000, the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian; and
 - k. All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon.
- (3) Additional data.

The following is to be shown on the final plat in addition to the caption information and plat data required by Georgia law:

- a. Street names including both the name and the suffix, such as "street" or "avenue;"
- b. Name of the former subdivision if any or all of the property has been previously subdivided;
- c. Location map of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets, railroads or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- d. Index map when more than one sheet is required to present plat;
- e. Lots or sites numbered in numerical order and blocks lettered alphabetically;
- f. Accurate location, material and description of monuments and markets. Monuments to be placed after final street improvements shall be designated as "future;"
- g. Lot lines with dimensions to the 1/10 (0.1) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners;
- h. Building front setback lines with dimensions as to length across each lot and distance from the street right-of-way;
- i. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the lot width at the building setback line shall be shown;
- j. Location, dimensions and purpose of all easements, including slope easements, if required, and any areas to be reserved, donated, or dedicated to public use;
- k. Centerline data including the radius, central angle, arc length, chord bearing and distance, and tangent distance between curves must be given for regular curves. Curve data shall be required for all roadway centerline curves. Chord distances and directions shall be given for irregular curves on preexisting roads;
- l. Location, dimensions and purpose of all drainage structures and of any easements, including slope easements, if required. and of public set-vice utility right-of-way line:. and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common use of all property owners;
- m. The plat must show the exact location of water lines, cut-off valves and fire hydrants as approved by the water and sewer authority;

- n. The plat must show the location of streetlights as they are to be installed by the utility company, or if the light poles have been installed, the exact location thereof;
- o. The extent of any area of special flood hazard, as defined in this Development Code; and
- p. The street address number of each lot.

Sec. 1232 - Final plat statements and certificates.

1232 (a) Statement of private covenants.

A statement of the private covenants, if they are brief enough to be put directly on the plat: otherwise, a statement as follows: "This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby becomes a part of this plat," recorded _____ (date) _____, and signed by the owner.

1232 (b) Surveyor and owner certificates.

Each final subdivision plat shall carry the following certificates printed or stamped on the plat to read as shown on Figure 12.5. The original certificates on the reproducible copy of the final plat shall be signed and dated.

- (1) Surveyor's Certificate, signed in blue ink on the original drawing.
- (2) Surveyor's Seal. The reproducible final subdivision plat drawing shall bear the original signature, in black ink, of the registered land surveyor placed across the surveyor's seal in order to be valid and recordable.
- (3) Owner's Certificate, signed in blue ink on the original drawing.

1232 (c) Certification by health department.

Certification by the Health Department shall be printed or stamped on the plat, as appropriate to the source of water supply and method of waste disposal approved. For lots not served by public sewerage or public water, the certification by the Health Department is to read as shown on Figure 12.6 and signed in blue ink on the original drawing. For developments with public sewerage and public water systems, this certification may be omitted.

1232 (d) Certification of Douglasville-Douglas County Water and Sewer Authority (DDCWSA).

The final survey plat must be approved by the WSA, as evidenced by the placement of the notation on the final plat as shown on Figure 12.7, which shall be signed by the Executive Director of the Authority or his designee.

1232 (e) Certificate of final subdivision plat approval.

A certificate of final plat approval shall be stamped or printed on the final subdivision plat. Certificates for exempt and minor subdivisions, and for major subdivisions, are shown in Figure 12.8

Figure 12.5 SURVEYOR'S CERTIFICATE
It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist and their location, size, type and material are correctly shown
The field data upon which this plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule.
The following type of equipment was used to obtain the linear and angular measurements used in the preparation of this plat:

This plat has been calculated for closure and is found to be accurate within one foot in _____ feet.
By (name): _____
Registered Georgia Land Surveyor No. _____
Address: _____

Telephone Number: _____
Date: _____
OWNER'S CERTIFICATE
The undersigned, in person or through a duly authorized agent, certifies that he or she is the fee simple owner of the land shown on this plat; that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Douglas County Unified Development Code; and by separate deed dedicates to the use of the public forever all streets, parks, easements and public grounds shown thereon for the purposes thereof expressed.
Owner's name: _____
Owner's address: _____
_____ Date _____ (Owner's signature)

<p>Figure 12.6</p> <p>DOUGLAS COUNTY PUBLIC HEALTH</p>

STATEMENTS REQUIRED ON FINAL PLAT**CERTIFICATION OF THE DOUGLAS COUNTY PUBLIC HEALTH**

This plat has been approved for development utilizing on-site sewage management systems. An on-site sewage management system permit will be issued upon receipt of a plan, acceptable to Environmental Health, showing the on-site sewage management system including the replacement absorption in a suitable location on the lot.

Dated this ____ Day of ____ 20__.

By ____

Environmental Health County Manager

for

Douglas County Public Health

Notes on individual on-site sewage management systems:

PP: Individual plot plan required prior to issuance of an on-site sewage management permit.

DT: A plot plan required incorporating a dosing tank with a pump or siphon into the design of the on-site sewage management system.
ATU: A plot plan requiring a State of Georgia approved advanced treatment unit (ATU).
SM: A plot plan requiring site modifications or other special conditions for the development of the lot.
Unauthorized excavation or filling of lot(s) may render the approval void."

Figure 12.7**APPROVAL BY DOUGLASVILLE-DOUGLAS COUNTY WATER AND SEWER AUTHORITY**

Approval of this plat and acceptance of the project represented herein shall be deemed to be an acceptance by the Douglasville-Douglas County Water and Sewer Authority (the "Authority") of all dedicated water mains, sanitary sewer mains, and lift stations that serve more than one property owner, as well as all stormwater collection and conveyance structures located in the public right-of-way, including inlets, catch basins, pipes, ditches, and channels. Approval of this plat and acceptance of the project represented herein shall not be deemed an acceptance, either express or implied, of any stormwater facilities, structures, or features located outside the public right-of-way on private property. All stormwater facilities, structures, and features located on private property shall be owned and maintained by the property owner(s), in accordance with the requirements of the Authority's Rules and Regulations. The Authority shall not be responsible or liable for any drainage outside of the right-of-way; for any drainage leading from drop inlets, catch basins, or surface drainage; for flooding

or erosion from storm drains; or from flooding from high water of natural creeks or rivers. This statement is included on this final plat as a condition of acceptance and shall be in the nature of a covenant running with the land, serving as notice to all future owners of the existence of the drainage easements and stormwater features as shown on the plat and the private duty to maintain them in perpetuity. As a condition of approval of this plat and acceptance of this project by the Authority, the developer and owner hereby covenant that any future deed conveying all or any portion of the property or lots shown herein shall specifically refer to this plat and incorporate this plat by reference.
_____ Date _____
Executive Director, Douglasville-Douglas County Water and Sewer Authority

Figure 12.8
<i>For Minor Exempt Subdivisions and Minor Administrative Subdivisions:</i>
CERTIFICATE OF FINAL PLAT APPROVAL
FOR RECORDATION
All requirements of the Douglas County Unified Development Code having been represented as being fulfilled by this plat, the Director of Development Services approves this plat for recordation by the Clerk of the Superior Court, subject to acceptance by the Board of Commissioners of all dedications of land to the public shown thereon.

_____ Date _____ Douglas County Director of Development Services
_____ Date _____ Chairman, Board of Commissioners
<u>For Major Subdivisions:</u>
CERTIFICATE OF FINAL PLAT APPROVAL
FOR RECORDATION
All requirements of the Douglas County Unified Development Code having been represented as being fulfilled by this plat [and the related as-built surveys approved on (date)], this plat is approved subject to all dedications of land to the public shown thereon being accepted by the Douglas County Board of Commissioners. All of the conditions of approval having been completed, this plat is approved for recordation by the Clerk of the Superior Court, subject to maintenance and guarantee under the requirements of the Development Code.

[This approval recognizes the receipt of performance surety by Douglas County in the amount of \$_____ to assure the completion of all remaining improvements appurtenant to this subdivision.]
_____ Date _____ Douglas County Director of Development Services
_____ Date _____ Chairman, Board of Commissioners

The following notes shall be placed on all revisions to existing recorded subdivision plats:

Douglas County Public Health Department

This plat was previously reviewed and approved for development by the Douglas County Health Department. This plat does not represent a request for either new or additional on-site sewage management systems. The approval of this plat does not grant either expressed or implied approval for either new or additional on-site sewage management systems (see general note 1).

Douglasville-Douglas County Water Sewer Authority

This plat was previously approved for development by the DCDWSA. This plat does not represent a request for either new or additional water and/or sewer service. Approval of this plat does not grant either expressed or implied approval for new or additional water and/or sewer service. All service easements and infrastructure previously authorized and approved shall remain in force and effect (see general note 1).

Douglas County Department of Transportation

This plat was previously approved for development by the Douglas County DOT. This plat does not represent a request for any modifications to the existing right-of-way or installed transportation network. All rights-of-way, easements and infrastructure previously authorized and approved shall remain in force and effect (see general notes 1 and 2).

GENERAL NOTES

1. The purpose of this plat is for the conveyance of the described Tracts as depicted. The approval of this plat does not guarantee or warranty the approval of any other required permits.
2. Access to the lots shall be from the originally permitted and approved driveway. No additional driveway access points shall be allowed without the required review and approval from the Douglas County Transportation Department.

Sec. 1233 - Acceptance of public improvements.

- (1) If construction of any required public improvements was deferred at the time of final plat approval, said work must be completed and revised as-built surveys submitted to the Development Services Department within 24 months of the date of final plat recordation.
- (2) The developer shall maintain the improvements in the development throughout the maintenance period. The maintenance period shall begin upon recordation of the final subdivision plat and extend from said date or from the date of completion of all deferred improvements, whichever occurs later. The maintenance period shall extend without interruption for a period of no less than 24 months or until 75% of all dwelling units authorized by the final plat have been issued Certificates of Occupancy, whichever occurs later. In no case, however, shall the maintenance period extend for more than 36 months from the date of completion of all deferred improvements, except for time to complete final repairs required of the developer under Sec. 1233(4).
- (3) Prior to expiration of the maintenance period, a final acceptance inspection of the public improvements shall be conducted by the Development Services Department and the WSA.
- (4) The subdivider must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. And the subdivider shall execute such documents as required by the Development Services Director to ensure the County is held harmless and indemnified from any claims arising from non-performance by the subdivider including attorney's fees and costs incurred by the County in enforcing the requirements of the UDC as amended.
- (5) Upon certification by the Development Services Director that the public improvements depicted on the as-built surveys are in conformance with the specifications of this Development Code and are in good repair, the Development Services Director will release the maintenance bond and accept the public improvements into perpetual maintenance.
- (6) Notwithstanding anything herein to the contrary, dedication of proposed public rights-of-way, easements and improvements shall not be accepted without approval by the Director of Transportation of the dedication deeds.
- .
- (7) The process of vacating rights-of-way, vacating easements, vacating recorded subdivision plats, and changing road names shall be subject to approval by the Board of Commissioners.

Sec. 1234 – Vacation or Abandonment of Dedicated Public Right-of-Way or Public Easements.

A. Any person, public or private entity desiring the vacation of any public street, alley, easement or public way shall submit to the County Development Services Department a completed application form and the information required in this Section 1234, which will be forwarded to the Department of Transportation for processing. Vacating public right-of-way or public easements as contained and depicted within or upon a recorded subdivision plat may be pursued as a single request under the requirements of Section 1235 following below. The following information is required under this Section 1234:

- (1) The appropriate Petition and application form.

- (2) A letter of request stating the interest of the applicant, the interest of the person, firm or corporation representing the applicant, and the reasons for the vacation.
- (3) Impact Letters from the County Engineer, the County Sheriff, County Fire Marshal, and all applicable departments, school districts, utility companies and special districts which serve the area in or around the property where the vacation is sought. Such letters shall state the position of the respective authorities concerning the proposed vacation.
- (4) An accurate drawing suitable for recording prepared by a Georgia licensed land surveyor depicting and legally describing the public street, alley, easement or public way to be vacated. The drawing shall also note all reservations, if any.
- (5) Verified documentation the requested vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established road.
- (6) A nonrefundable application fee as set by resolution of the Board of County Commissioners.

B. The Board shall hear all applications to vacate a public street, alley, easement or public way. After receiving a vacation application, the Board shall set a time and a place for a public hearing and shall cause notice of the hearing to be sent to property owners whose property abuts the exterior boundaries of the public street, alley, easement or other public way proposed to be vacated. Such notice shall be sent by first class mail with postage prepaid at least fifteen (15) days but not more than forty-five (45) days before the public hearing.

C. Notice shall also be posted in conspicuous places at each end of the public street, alley, easement or public way proposed to be vacated. Such notice shall be posted at least fifteen (15) days but not more than forty-five (45) days before the public hearing.

D. Notice shall also be published in a newspaper of general circulation in the County at least fifteen (15) but not more than forty-five (45) days before the public hearing.

E. Before granting the vacation of a public street, alley or public way, the Board of County Commissioners shall find the following conditions (1) through (5) exist:

Before granting the vacation of an easement, the Board of County Commissioners shall find the following conditions (4) through (6) exist:

- (1) The public street, alley or public way to be vacated was created by plat or deed or exists by right of usage if not formally platted or not defined by deed.
- (2) The requested vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established public road.
- (3) The requested vacation will not adversely affect the transportation needs of Douglas County.
- (4) The requested vacation is completely within the boundaries of Douglas County and is not within the limit of any incorporated city or town.
- (5) The requested vacation is not a boundary with any other county or incorporated city or town or if it is a boundary, the vacation is approved by joint action of the Board and the duly constituted authority of the other county, city or town.
- (6) The requested easement vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood.

F. The Board of County Commissioners may approve the requested vacation, may approve with stipulations or reserve portions of rights-of-way or easements for the continued and/or future use of

sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances, or the Commissioners may deny the requested vacation. Whenever a street or alley is vacated, the presumption is that the fee is in the adjacent landowners, and that the right of each extends to the middle of the way [Calvary Independent Baptist Church v. City of Rome, 208 Ga. 312, 66 S.E.2d 726 (1951)] unless otherwise agreed to and approved by the Commissioners. Whenever a street or alley is vacated, the Commissioners shall authorize the zoning of said property to the district extant on the adjoining private property at the time of the abandonment.

G. Approval by the Board of Commissioners will incorporate affirmation that the abandoned property shall be zoned according to the existing zone district of the adjoining property into which the abandoned property is being placed.

H. Upon approval of the vacation, the affected property owners shall prepare deeds to incorporate the applicable portion of the vacation into their property's description. The deeds shall be submitted to the County Planning and Development Department for recordation with the drawing.

I. Upon approval of the vacation and satisfaction of all conditions imposed on the approval, the accurate drawing using the form and standards of a Final Plat submitted under the requirements of a Minor Administrative Plat along with the required deeds shall be recorded with the Douglas County Clerk of Superior Court at the applicant's expense.

Sec. 1235 - Vacation of Recorded Plats

A. Any plat or any part of any plat, which may also contain depicted public easements or public right-of-way, that has been duly approved by the Board of Commissioners and recorded, may be vacated by the owner of the premises by submitting to the County Development Services Department a completed application form and the following:

1. The appropriate Petition, application form and non-refundable fee.
2. The applicant's name, address, and the name and address of any person, firm or corporation represented by such applicant in the application.
3. The interest of the applicant and the interest of the person, firm or corporation represented by the applicant, be it legal, sales, development, operation or other interest.
4. A statement of facts which the applicant believes justifies the vacation, including, but not limited to, a general description of the area surrounding the proposed vacation which will be thereby affected. Such description shall address the environmental, economic and traffic effect of the proposed vacation.
5. A vacation plat prepared by and carrying the seal of a Georgia licensed land surveyor. The vacation plat shall utilize the plat preparation standards for final subdivision plats contained in this Article and, where applicable, show existing and proposed structures, uses, open spaces, facilities for parking and loading, and arrangement for pedestrian and vehicular circulation.
6. Impact Letters from the County Engineer, the County Sheriff, County Fire Marshal, and all applicable departments, school districts, utility companies and special districts which serve the area in or around the property where the vacation is sought. Such letters shall state the position of the respective authorities concerning the proposed vacation.
7. A title insurance commitment or a title policy issued by a title insurance company, or an attorney's title opinion, certified to a date not more than sixty (60) days prior to the submittal of the plat vacation to the Department of Planning and Development, showing the names of the

owners of the land and all other persons who have an interest in or an encumbrance on the property described on the vacation plat.

8. The County Treasurer's certification that all prior years' taxes have been paid shall be submitted a minimum of fifteen (15) days prior to consideration by the Board of County Commissioners.

B. If a vacating petition is associated with a request to rezone, the rezoning request may be heard concurrently, but must be voted on independently and said rezoning application will be governed by the requirements and procedures for zoning applications covered elsewhere in this Article 12.

C. The Board of Commissioners shall hear all applications to vacate a recorded plat along with any public street, alley, easement or public way depicted upon it. After receiving a vacation application, the Board shall set a time and a place for a public hearing and shall cause notice of the hearing to be sent to property owners whose property abuts the exterior boundaries of the public street, alley, easement or other public way proposed to be vacated. Such notice shall be sent by first class mail with postage prepaid at least fifteen (15) days but not more than 45 days before the public hearing.

D. Notice shall also be posted in conspicuous places at each end of the public street, alley, easement or public way proposed to be vacated, or upon the adjoining nearest public right-of-way not being vacated. Such notice shall be posted at least fifteen (15) days but not more than 45 days before the public hearing.

E. Notice shall also be published in a newspaper of general circulation in the County at least fifteen (15) days before the public hearing.

F. The Board of County Commissioners may approve the requested vacation, may approve with stipulations or reserve portions of rights-of-way or easements for the continued and/or future use of sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances, or the Commissioners may deny the requested vacation.

G. Upon approval of the vacation, the affected property owners shall prepare deeds to incorporate the approved vacation description. The deeds shall be submitted to the County Planning and Development Department for recordation with the final plat drawing.

H. Upon approval of the vacation and satisfaction of all conditions imposed on the approval, the accurate drawing using the form and standards of a Final Plat submitted under the requirements of a Minor Administrative Plat along with the required deeds shall be recorded with the Douglas County Clerk of Superior Court at the applicant's expense. Recording the vacation plat and deeds shall divest all public rights in the streets, alleys, public ways or easements and in all dedications laid out or described in the original subdivision plat except where reservation is made therefrom by stipulation of the County Commissioners.

DIVISION VI. - DEVELOPMENTS OF REGIONAL IMPACT AND OTHER REGIONAL REVIEWS.

Sec. 1236 - Developments Requiring Regional Review.

1236 (a) Types of approvals covered.

The provisions of this Division apply to any type of governmental action requested by a private party related to a development project, such as a rezoning or Special Use approval, special exception variance or hardship variance approval, issuance of a development or building permit, or hook-up to a public utility.

1236 (b) Thresholds for regional review.

- (1) Any development project for which any governmental action is requested that meets or exceeds any of the thresholds established by the Georgia Department of Community Affairs (GDCA) shall be considered a Development of Regional Impact (DRI) and will require review by the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) when those applicable thresholds are exceeded.
- (2) Any development project for which any governmental action is requested that falls within the Corridor established by the Metropolitan River Protection Act per O.C.G.A. 12-5-449 et seq will require review by the Atlanta Regional Commission (ARC) per the applicable standards of the established Plans and Rules.
- (3) In order to meet all required public notice timelines, any action requiring approval by the Board of Commissioners shall be scheduled for a public hearing only upon receipt of the Final Findings, Notice of Decision or other outcome of the review, regardless of the date of receipt of the trigger action. Once the final outcome of the regional review has been received, the application will be assigned to the next public hearing based on the appropriate filing deadlines as published by the Board of Commissioners.

Sec. 1237 Process for DRI review

1237 (a) Subsequent requests for project approval.

Once the development project has been reviewed by ARC and GRTA and the first governmental action has been granted, no further reviews by ARC or GRTA of subsequent governmental actions need to be reviewed by ARC and GRTA unless the project is significantly or materially revised.

1237 (b) Final action by the County.

- (1) Approval of the first request for governmental action by the County shall not be made on a Development of Regional Impact until final determinations by ARC and GRTA have been received by the County.
- (2) Upon completion of the DRI process and receipt by the County of final determinations by ARC and GRTA, processing of the application for governmental action may proceed. Such findings by ARC and GRTA shall accompany the application and action shall be required by the Board of Commissioners following the adopted procedural provisions of DCA and GRTA regarding DRI reviews prior to approval of such application.